

*U.S. Chief Counsel for Prosecution
of Axis Criminality*

NAZI CONSPIRACY AND AGGRESSION

VOLUME II

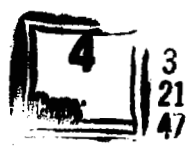
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A Collection of Documentary Evidence and Guide Materials
Prepared by the American and British Prosecuting Staffs for
Presentation before the International Military Tribunal at Nurn-
berg, Germany, in the case of

THE UNITED STATES OF AMERICA, THE FRENCH RE-
PUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND, and THE UNION OF
SOVIET SOCIALIST REPUBLICS

— against —

HERMANN WILHELM GOERING, RUDOLF HESS,
JOACHIM von RIBBENTROP, ROBERT LEY, WILHELM
KEITEL, ERNST KALTENBRUNNER, ALFRED ROS-
ENBERG, HANS FRANK, WILHELM FRICK, JULIUS
STREICHER, WALTER FUNK, HJALMAR SCHACHT,
GUSTAV KRUPP von BOHLEN und HALBACH, KARL
DOENITZ, ERICH RAEDER, BALDUR von SCHIRACH,
FRITZ SAUCKEL, ALFRED JODL, MARTIN BORMANN,
FRANZ von PAPEN, ARTUR SEYSS-INQUART, AL-
BERT SPEER, CONSTANTIN von NEURATH, and HANS
FRITZSCHE, Individually and as Members of Any of the
Following Groups or Organizations to which They Respec-
tively Belonged, Namely: DIE REICHSREGIERUNG
(REICH CABINET); DAS KORPS DER POLITISCHEN
LEITER DER NATIONALSOZIALISTISCHEN DEUT-
SCHEN ARBEITERPARTEI (LEADERSHIP CORPS OF
THE NAZI PARTY); DIE SCHUTZSTAFFELN DER
NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEIT-
ERPARTEI (commonly known as the "SS") and including
DIE SICHERHEITSDIENST (commonly known as the
"SD"); DIE GEHEIME STAATSPOLIZEI (SECRET
STATE POLICE, commonly known as the "GESTAPO");
DIE STURMABTEILUNGEN DER N.S.D.A.P. (commonly
known as the "SA") and the GENERAL STAFF and HIGH
COMMAND of the GERMAN ARMED FORCES all as de-
fined in Appendix B of the Indictment,

Defendants.

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Chapter XV

CRIMINALITY OF GROUPS AND ORGANIZATIONS

I. THE LAW UNDER WHICH NAZI ORGANIZATIONS ARE ACCUSED OF BEING CRIMINAL

The following argument on the law and policy involved in the prosecution's charge that certain Nazi groups and organizations should be declared criminal, was delivered by Justice Jackson before the Tribunal on 28 February 1946.

May it please the Tribunal:

The unconditional surrender of Germany created, for the victors, novel and difficult problems of law and administration. Since it is the first such surrender of an entire and modernly organized society, precedents and past experiences are of little help in guiding our policy toward the vanquished. The responsibility implicit in demanding and accepting capitulation of a whole people must of necessity include a duty to discriminate justly and intelligently between opposing elements of the population which bore dissimilar relations to the policies and conduct which led to the catastrophe. This differentiation is the objective of those provisions of the Charter which authorize this Tribunal to declare organizations or groups to be criminal. Understanding of the problem which the instrument attempts to solve is essential to its interpretation and application.

A. *The Problem of the Nazi Organizations.*

One of the sinister peculiarities of German society at the time of the surrender was that the State itself played only a subordinate role in the exercise of political power, while the really drastic controls over German society were organized outside its nominal government. This was accomplished through an elaborate network of closely knit and exclusive organizations of selected volunteers oath-bound to execute, without delay and without question, the commands of the Nazi leaders.

These organizations penetrated the whole German life. The country was subdivided into little Nazi principalities of about 50 households each, and every such community had its recognized party leaders, party police, and its undercover party spies. These were combined into larger units with higher ranking leaders, executioners and spies. The whole formed a pyramid of power out-

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side the law, with the Fuehrer at its apex, and with the local party officials as its broad base resting heavily on the German population. The Nazi despotism, therefore, did not consist of these individual defendants alone. A thousand little fuehrers dictated, a thousand imitation Goerings strutted, a thousand Schirachs incited the youth, a thousand Sauckels worked slaves, a thousand Streichers and Rosenbergs stirred hate, a thousand Kaltenbrunnners and Franks tortured and killed, a thousand Schachts and Speers and Funks administered, financed, and supported the movement. The Nazi movement was an integrated force in city and county and hamlet. The party power resulting from this system of organizations first rivaled, and then dominated, the power of the State itself.

The primary vice of this web of organizations was that they were used to transfer the power of coercing men from the government and the law to the Nazi leaders. Liberty, self-government, and security of persons and property do not exist except where the power of coercion is possessed only by the State and is exercised only in obedience to law. The Nazis, however, set up a private system of coercion, outside of and immune from law, with party-controlled concentration camps and firing squads to administer privately decreed sanctions. Without responsibility to law and without warrant from any court, they were enabled to seize property, take away liberty, and even take life itself.

These organizations had a calculated and decisive part in the barbaric extremes of the Nazi movement. They served cleverly to exploit mob psychology and to manipulate the mob. Multiplying the numbers of persons in a common enterprise tends to diminish each individual's sense of moral responsibility and to increase his sense of security. The Nazi leaders were masters of this technique. They manipulated these organizations to make before the German populace impressive exhibitions of numbers and of power. These were used to incite a mob spirit and then riotously to gratify the popular hates they had inflamed and the Germanic ambition they had inflated.

These organizations indoctrinated and practiced violence and terrorism. They provided the systematized, aggressive, and disciplined execution throughout Germany and the occupied countries of the whole catalogue of crimes we have proven. The flowering of the system is represented in the fanatical SS General Ohlendorf, who told this Tribunal without shame or trace of pity how he personally directed the putting to death of 90,000 men, women, and children. No tribunal ever listened to a recital of

such wholesale murder as this Tribunal heard from him and from Wisliceny, a fellow officer of the SS. Their own testimony shows the responsibility of the SS for the extermination program which took the lives of five million Jews, a responsibility the organization welcomed and discharged methodically, remorselessly, and thoroughly. These crimes are unprecedented ones because of the shocking numbers of victims. They are even more shocking and unprecedented because of the large number of persons who united to perpetrate them. All scruple or conscience of a very large segment of the German people was committed to Nazi keeping, and its devotees felt no personal sense of guilt as they went from one extreme measure to another. On the other hand, they developed a contest in cruelty and a competition in crime. Ohlendorf from the witness stand accused other SS commanders, whose killings exceeded his, of "exaggerating" their figures.

There could be no justice and no wisdom in an occupation policy which imposed upon passive and unorganized and inarticulate Germans the same burdens as it placed upon those who voluntarily banded themselves together in these powerful and notorious gangs. One of the basic requirements, both of justice and of successful administration of the occupation responsibility of the victors, is a segregation of these organized elements from the masses of Germans for separate treatment.

It seems beyond controversy that to punish a few top leaders but to leave this web of organized bodies unscotched in the midst of German postwar society, would be to foster the nucleus of a new Nazidom. The members are accustomed to an established chain of centralized command; they have formed a habit and developed a technique of both secret and open cooperation. They still nourish a blind devotion to the suspended, but not abandoned, Nazi program. They will keep alive the hates and ambitions which generated the orgy of crime we have proved. They are carriers, from this generation to the next, of the infection of aggressive and ruthless war. The Tribunal has seen on the screen how easily an assemblage that ostensibly is only a common labor force can be in fact a military training unit drilling with shovels. The next war and the next pogroms will be hatched in the nests of these organizations as surely as we leave their membership with its prestige and influence undiminished by condemnation and punishment.

The menace of these organizations is the more impressive when we consider the demoralized state of German society. It will be years before there can be established in the German State any political authority that is not inexperienced and provisional. It

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cannot quickly acquire the stability of a government aided by long habit of obedience and traditional respect. The intrigue, obstruction, and possible overthrow, which older and established governments fear from conspiratorial groups, is a real and present danger to any stable social order in the Germany of today and of tomorrow.

Insofar as the Charter of this Tribunal contemplates a justice of retribution, it is obvious that it could not overlook these organized instruments and instigators of past crimes. In opening this case, I said that the United States does not seek to convict the whole German people of crime. But it is equally important that this trial shall not serve to absolve the whole German people except 22 men in the dock. The wrongs that have been done to the world by these defendants and their top confederates was not done by their will or by their strength alone. The success of their designs was made possible because great numbers of Germans organized themselves to become the fulcrum and the lever by which the power of these leaders was extended and magnified. If this trial fails to condemn these organized confederates for share of responsibility for this catastrophe, it will be construed as their exoneration.

But the Charter was not concerned with retributive justice alone. It manifests a constructive policy influenced by exemplary and preventive considerations. The primary objective of requiring that the surrender be unconditional was to clear the way for reconstruction of German society on such a basis that it will not again threaten the peace of Europe and of the world. Temporary measures of the occupation authorities may, by necessity, have been more arbitrary and applied with less discrimination than befits a permanent policy. Under existing denazification policy, no member of the Nazi party or its formations may be employed in any position, other than ordinary labor, or in any business enterprise unless he is found to have been only a nominal Nazi. Persons in certain categories, whose standing in the community is one of prominence or influence, are required to meet this standard, and those who do not may be denied further participation in their businesses or professions. It is mandatory to remove or exclude from public office, and from positions of importance in quasi public and private enterprises, persons falling within approximately 90 specified categories deemed to consist of either active Nazis, Nazi supporters, or militarists. The property of such persons is blocked.

It is recognized by the Control Council, as it was by the framers of the Charter, that a permanent, long-term program should be

based on a more careful and more individual discrimination than was possible with sweeping temporary measures. There is a movement now within the Control Council for reconsideration of its whole denazification policy and procedure. The action of this Tribunal in declaring, or in failing to declare, the accused organizations criminal has a vital bearing on future occupation policy.

It was the intent of the Charter to utilize the hearing processes of this Tribunal to identify and condemn those Nazi and militaristic forces that were so organized as to constitute a continuing menace to the long-term objectives for which our respective countries have spent the lives of their young men. It is in the light of this great purpose that we must examine the provisions of the Charter.

B. The Procedure for Condemning Organizations.

It was obvious that the conventional litigation procedures could not, without some modification, be adapted to this task. No system of jurisprudence has yet evolved any satisfactory technique for handling a great multiplicity of common charges against a multitude of accused persons. The number of individual defendants that fairly can be tried in a single proceeding probably does not greatly exceed the number now in your dock. Moreover, the number of separate trials in which the same voluminous evidence as to common plan must be repeated is very limited as a practical matter. Yet adversary hearing procedures are the best assurance the law has evolved that decisions will be well considered and just. The task of the framers of the Charter was to find a way to overcome these obstacles to practicable and early decision without sacrificing the fairness implicit in hearings. The solution prescribed by the Charter is certainly not faultless, but not one of its critics has ever proposed an alternative that would not either deprive the individual of any hearing or contemplate such a multitude of long trials as to be impracticable. In any case, it is the plan adopted by our respective governments and our duty here is to make it work.

The plan which was adopted in the Charter essentially is a severance of the general issues which would be common to all individual trials from the particular issues which would differ in each trial. The plan is comparable to that employed in certain wartime legislation of the United States (*Yakus v. United States*, 321 U. S., 414, 64 Sup. Ct. 660). The general issues are to be determined with finality in one trial before the International

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Tribunal. In this trial, every accused organization must be defended by counsel and must be represented by at least one leading member, and other individual members may apply to be heard. Their applications may be granted if the Tribunal thinks justice requires it. The only issue in this trial concerns the collective criminality of the organization or group. It is to be adjudicated by what amounts to be a declaratory judgment. It does not decree any punishment, either against the organization or against the individual members.

The only specification as to the effect of this Tribunal's declaration that an organization is criminal, is contained in Article 10 of the Charter, which provides:

"In cases where a group or organization is declared criminal by the Tribunal, the competent national authority of any Signatory shall have the right to bring individuals to trial for membership therein before national, military or occupation courts. In any such case the criminal nature of the group or organization is considered proved and shall not be questioned."

Unquestionably, it would be competent for the Charter to have declared flatly that membership in any of these named organizations is criminal and should be punished accordingly. If there had been such an enactment, it would not have been open to an individual who was being tried for membership in the organization to contend that the organization was not in fact criminal. The framers of the Charter, at a time before the evidence adduced here was available, did not care to find organizations criminal by fiat. They left that issue to determination after relevant facts were developed by adversary proceedings. Plainly, the individual member is better off because of the procedure of the Charter, which leaves that finding of criminality to this body after hearings at which the organization must, and the individual may, be represented.

The groups and organizations named in the Indictment are not "on trial" in the conventional sense of that term. They are more nearly under investigation as they might be before a grand jury in Anglo-American practice. Article 9 recognizes a distinction between *the declaration* of a group or organization as criminal and "*the trial* of any individual member thereof." The power of the Tribunal to try is confined to "persons," and the Charter does not expand that term by definition, as statutes sometimes do, to include other than natural persons. The groups or organizations named in the Indictment were not as entities served with process. The Tribunal is not empowered to impose

any sentence upon them as entities, nor to convict any person because of membership.

It is to be observed that the Charter does not *require* subsequent proceedings against anyone. It provides only that the competent national authorities "*shall have the right to bring individuals to trial for membership therein.*"

The Charter is silent as to the form these trials should take. It was not deemed wise, on the information available when the Charter was drawn up, that the Charter should regulate subsequent proceedings. Nor was it necessary to do so. There is a continuing legislative authority, representing all four signatory nations, competent to take over where the Charter leaves off. Legislative supplementation of the Charter is necessary to confer jurisdiction on local courts, to define procedures, and to prescribe different penalties for different forms of activity.

Fear has been expressed, however, that the Charter's silence as to future proceedings means that great numbers of members will be rounded up and automatically punished as a result of a declaration of an organization to be criminal. It also has been suggested that this is, or may be, the consequence of Article II, 1(d) of Control Council Act No. 10, which defines as a crime "membership in categories of a criminal group or organization declared criminal by the International Military Tribunal." A purpose to inflict punishments without a right of hearing cannot be spelled out of the Charter, and would be offensive to both its letter and its spirit. And I do not find in Control Council Act No. 10 any inconsistency with the Charter. Of course, to reach all individual members will require numerous hearings. But they will involve only narrow issues; many accused will have no answers to charges if they are clearly stated, and the proceedings should be expeditious and nontechnical.

But I think it is clear that before any person is punishable for membership in a criminal organization, he is entitled to a hearing on the facts of his case. The Charter does not authorize the national authorities to punish membership without a hearing—it gives them only the right to "bring individuals to trial." That means what it says. A trial means there is something to try.

As to trials of the individual members, the Charter denies only one of the possible defenses of an accused: he may not relitigate the question whether the organization itself was a criminal one. Nothing precludes him from denying that his participation was voluntary and proving he acted under duress; he may prove that he was deceived or tricked into membership; he may show that

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he had withdrawn; or he may prove that his name on the rolls is a case of mistaken identity.

The membership which the Charter and the Control Council Act make criminal, of course, implies a genuine membership involving the volition of the member. The act of affiliation with the organization must have been intentional and voluntary. Legal compulsion or illegal duress, actual fraud or trick of which one is a victim, has never been thought to be the victim's crime, and such an unjust result is not to be implied now. The extent of the member's knowledge of the criminal character of the organization is, however, another matter. He may not have known on the day he joined but may have remained a member after learning the fact. And he is chargeable not only with what he knew but with all of which he reasonably was put on notice.

There are safeguards to assure that this program will be carried out in good faith. Prosecution under the declaration is discretionary, and if there were purpose to punish without trial, it would have been already done without waiting for the declaration. We think the Tribunal will presume that signatory powers which have voluntarily submitted to this process will carry it out faithfully.

The Control Council Act applies only to "categories of membership declared criminal." This language recognizes a power in this Tribunal to limit the effect of its declaration. I do not think, for reasons I will later state, that this should be construed or availed of so as to try here any issues as to sub-groups or sections or individuals, which can be tried later. It should, I think, be construed to mean, not those limitations which must be defined by detailed evidence, but limitations of principle such as those I have outlined as already implied. It does not require this Tribunal to delve into evidence to condition its judgment, if it sees fit, to apply only to intentional, voluntary, and knowing membership. It does not supplant later trials but guides them.

It cannot be said that a plan, such as we have here, for the severance of general issues common to many cases from particular issues applicable only to individual defendants and for the litigation of each type of issue in separate Tribunals specially adapted to their different tasks, is lacking in reasonableness or fair play. And while it presents unusual procedural difficulties, I do not think it presents any insurmountable ones.

C. Criteria, Principles, and Precedents for Declaring Collective Criminality.

The substantive law which governs the inquiry into criminality of organizations is, in its large outline, old and well settled and fairly uniform in all systems of law. It is true that we are dealing with a procedure easy to abuse and one often feared as an interference with liberty of assembly or as an imposition of "guilt by association." It also is true that proceedings against organizations are closely akin to the conspiracy charge, which is the great dragnet of the law, rightly watched by courts lest it be abused.

The fact is, however, that every form of government has considered it necessary to treat some organizations as criminal. Not even the most tolerant of governments can permit the accumulation of power in private organizations to a point where it rivals, obstructs, or dominates the government itself. To do so would be to grant designing men a liberty to destroy liberty. It was the very complacency and tolerance as well as the impotence of the Weimar Republic towards the growing organization of Nazi power, which spelled the death of German freedom.

Protection of the citizen's liberty has required even free governments to enact laws making criminal those aggregations of power which threaten to impose their will on unwilling citizens. Every one of the nations signatory to this Charter has laws making certain types of organizations criminal. The Ku Klux Klan in the United States flourished at about the same time as the Nazi movement in Germany. It appealed to the same hates, practiced the same extra-legal coercions, and likewise terrorized by weird nighttime ceremonials. Like the Nazi Party it was composed of a core of fanatics, but enlisted support of some respectable persons who knew it was wrong, but thought it was winning. It eventually provoked a variety of legislative acts directed against such organizations.

The Congress of the United States also has enacted legislation outlawing certain organizations. A recent example is the Act of June 28, 1940 (c. 439, Title I, Section 2, 54 Stat. 671, 18 USCA 10) which provides in part as follows:

"(a) It shall be unlawful for any person . . .

"(3) to organize or help to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any government in the United States by force or violence; or to be or become a member of, or affiliate

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with, any such society, group, or assembly of persons, knowing the purposes thereof."

There is much legislation by States of the American union creating analogous offenses. An example is to be found in the Act of California (Statutes 1919, Chapter 188, p. 281) which, after defining "criminal syndicalism," provides:

"Section 2. Any person who . . . (4) organizes or assists in organizing, or is or knowingly becomes a member of, any organization, society, group or assemblage of persons organized or assembled to teach or aid and abet criminal syndicalism . . .

"Is guilty of a felony and punishable by imprisonment."

Precedents in English law for outlawing organizations and punishing membership therein are old and consistent with the Charter. One of the first is the British India Act No. 30, enacted November 14, 1836. Section 1 provides:

"It is hereby enacted that whoever shall be proved to have belonged either before or after the passing of this Act to any gang of thugs either within or without the territories of the East India Company shall be punished with imprisonment for life with hard labour."

Other precedents in English legislation are the Unlawful Societies Act of 1799 (3 George III, Chapter 79); the Seditious Meetings Act of 1817 (57 George III, Chapter 19); the Seditious Meetings Act of 1846 (9 and 10 Victoria, Chapter 33); the Public Order Act of 1936 and Defense Regulation 18(b). The last, not without opposition, was intended to protect the integrity of the British Government against the fifth-column activities of this same Nazi conspiracy.

Soviet Russia punishes as a crime the formation of and membership in a criminal gang. Criminologists of the U.S.S.R. call this crime the "crime of banditry," a term appropriate to the German organizations.

French criminal law makes membership in subversive organizations a crime. Membership of the criminal gang is a crime in itself. (Articles 265-268, French Penal Code, "*Association de Malfaiteurs*"; Garaud, *Precis de Droit Criminel*, 1934 Edition Sirey, p. 1518 and seq. See also Act of December 18, 1893.)

For German precedents, it is neither seemly nor necessary to go to the Nazi regime. Under the Empire and the Weimar Republic, however, German jurisprudence deserved respect and it presents both statutory and juridical examples of declarations of the criminality of organizations. Among statutory examples are:

1. The German Criminal Code enacted in 1871. Section 128 was aimed against secret associations and Section 129 was directed against organizations inimical to the State.

2. The law of March 22, 1921 against paramilitary organizations.

3. The law of July 21, 1922 against organizations aimed at overthrowing the constitution of the Reich.

Section 128 of the Criminal Code of 1871 is especially pertinent. It reads:

"The participation in an organization the existence, constitution, or purposes of which are to be kept secret from the Government, or in which obedience to unknown superiors or unconditional obedience to known superiors is pledged, is punishable by imprisonment up to six months for the members and from one month to one year for the founders and officers. Public officials may be deprived of the right to hold public office for a period of from one to five years."

Under the Empire, various Polish national unions were the subject of criminal prosecution. Under the Republic, judicial judgments in 1927-28 held criminal the entire Communist Party of Germany. In 1922 and 1928 judgments ran against the political Leadership Corps of the Communist Party, which included all its so-called "body of functionaries," corresponding to the Leadership Corps of the Nazi Party which we have accused. The judgment included every cashier, every employee, every delivery boy and messenger, and every district leader. In 1930 a judgment of criminality against the "Union of Red Front Fighters" of the Communist Party made no discrimination between leaders and ordinary members.

Most significant of all is the fact that on 30 May, 1924 the German courts rendered judgment that the whole Nazi Party was a criminal organization. This decision referred not only to the Leadership Corps, which we are indicting here, but to all other members as well. The whole subsequent rise to power of the Nazi Party was in the shadow of this judgment of illegality.

The German courts in dealing with criminal organizations proceeded on the theory that all members were held together by a common plan in which each one participated even though at various levels. Moreover, the fundamental principles of responsibility of members as stated by the German Supreme Court are strikingly like the principles that govern our Anglo-American law of conspiracy. Among them were these:

1. "It is a matter of indifference whether all the members

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pursued the forbidden aims. It is enough if a part exercised the forbidden activity." (R.G. VIa 97/22 of the 8.5.22.)

2. "It is a matter of indifference whether the members of the group or association agree with the aims, tasks, means of working and means of fighting." (R.G. 58, 401 of the 24.10.24.)

3. "The real attitude of mind of the participants is a matter of indifference. Even if they had the intention of not participating in criminal efforts, or hindering them, this can not eliminate their responsibility." (R.G. 58, 401 of the 24.10.24.)

Organizations with criminal ends are everywhere regarded as in the nature of criminal conspiracies, and their criminality is judged by the application of conspiracy principles. The reason why they are offensive to law-governed people has been succinctly stated as follows:

"The reason for finding criminal liability in case of a combination to effect an unlawful end or to use unlawful means, where none would exist, even though the act contemplated were actually committed by an individual, is that a combination of persons to commit a wrong, either as an end or as a means to an end, is so much more dangerous, because of its increased power to do wrong, because it is more difficult to guard against and prevent the evil designs of a group of persons than of a single person, and because of the terror which fear of such a combination tends to create in the minds of people." (*Miller on Criminal Law*, 1932, p. 110.)

The Charter, in Article 6, provides that "Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan." The individual defendants are arraigned at your bar on this charge which, if proved, makes them responsible for the acts of others in execution of the common plan.

The Charter did not define responsibility for the acts of others in terms of "conspiracy" alone. The crimes were defined in non-technical but inclusive terms, and embraced formulating and executing a "common plan" as well as participating in a "conspiracy." It was feared that to do otherwise might import into the proceedings technical requirements and limitations which have grown up around the term "conspiracy." There are some divergences between the Anglo-American concept of conspiracy and that of either Soviet, French, or German jurisprudence. It

was desired that concrete cases be guided by the broader considerations inherent in the nature of the social problem, rather than controlled by refinements of any local law.

Now, except for procedural difficulties arising from their multitude, there is no reason why every member of any Nazi organization accused here could not have been indicted and convicted as a part of the conspiracy under Article 6 even if the Charter had never mentioned organizations at all. Voluntary affiliation constituted a definite act of adherence to some common plan and purpose. These did not pretend to be merely social or cultural groups; admittedly they were united for action. In the case of several of the Nazi organizations, the fact of confederation was evidenced by formal induction into membership, the taking of an oath, the wearing of a distinctive uniform, the submission to a discipline. That all members of each Nazi organization did combine under a common plan to achieve some end by combined efforts is abundantly established.

The criteria for determining the collective guilt of those who thus adhered to a common plan obviously are those which would test the legality of any combination or conspiracy. Did it contemplate illegal methods or aim at illegal ends? If so, the liability of each member of one of these Nazi organizations for the acts of every other member is not essentially different from the liability for conspiracy enforced in Courts of the United States against business men who combine in violation of the anti-trust laws, or of other defendants accused under narcotic drugs laws, sedition acts, or other federal penal enactments.

Among the principles every day enforced in Courts of Great Britain and the United States in dealing with conspiracy are these:

1. No meeting or formal agreement is necessary. It is sufficient, although one performs one part and other persons other parts, if there be concert of action, and working together understandingly with a common design to accomplish a common purpose.

2. One may be liable even though he may not have known who his fellow-conspirators were, or just what part they were to take, or what acts they committed, and though he did not take personal part in them or was absent when criminal acts occurred.

3. There may be liability for acts of fellow-conspirators although the particular acts were not intended or anticipated, if they were done in execution of the common plan.

4. It is not necessary to liability that one be a member of a conspiracy at the same time as other actors, or at the time of

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criminal acts. When one becomes a party to it, he adopts and ratifies what has gone before and remains responsible until he abandons the conspiracy with notice to his fellow-conspirators.

Of course, members of criminal organizations or conspiracies who personally commit crimes are individually punishable for those crimes exactly as are those who commit the same offenses without organizational backing. But the very gist of the crime of conspiracy or membership in a criminal association is liability for acts one did not personally commit but which his acts facilitated or abetted. The crime is to combine with others and to participate in the unlawful common effort, however innocent the personal acts of the participant when considered by themselves.

The very innocent act of mailing a letter is enough to implicate one in a conspiracy if the purpose of the letter is to advance a criminal plan. There are countless examples of this doctrine in Anglo-American jurisprudence.

The sweep of the law of conspiracy is an important consideration in determining the criteria of guilt for organizations. Certainly the vicarious liability imposed in consequence of voluntary membership, formalized by oath, dedicated to a common organizational purpose and submission to a discipline and chain of command, can not be less than that which follows from informal cooperation with a nebulous group to a common end as is sufficient in conspiracy. This meets the suggestion that the prosecution is required to prove every member, or every part, fraction, or division of the membership to be guilty of criminal acts. The suggestion ignores the conspiratorial nature of the charge. Such an interpretation also would reduce the Charter to an unworkable absurdity. To concentrate in one International Tribunal inquiries requiring such detailed evidence as to each member would set a task not possible of completion within the lives of living men.

It is easy to toss about such a plausible but superficial cliché as, "One should be convicted for his activities, not for his membership." But this ignores the fact that membership in Nazi bodies was itself an activity. It was not something passed out to a passive citizen like a handbill. Even a nominal membership may aid and abet a movement greatly. Does anyone believe that Hjalmar Schacht sitting in the front row of the Nazi Party Congress of 1935, wearing the insignia of the Party, was included in the Nazi propaganda films merely for artistic effect? This great banker's mere loan of his name to this shady enterprise gave it a lift and a respectability in the eyes of every hesitating German. There may be instances in which membership did not aid and abet the

organizational ends and means, but individual situations of that kind are for appraisal in the later hearings and not by this Tribunal. By and large, the use of organization affiliation is a quick and simple, but at the same time fairly accurate outline of the contours of a conspiracy to do what the organization actually did. It is the only one workable at this stage of the trial. It can work no injustice because before any individual can be punished, he can submit the facts of his own case to further and more detailed judicial scrutiny.

While the Charter does not so provide, we think that on ordinary legal principles the burden of proof to justify a declaration of criminality is upon the prosecution. It is discharged, we think, when we establish the following:

1. The organization or group in question must be some aggregation of persons associated in some identifiable relationship with a collective general purpose.

2. While the Charter does not so declare, we think it implied that membership in such an organization must be generally voluntary. That does not require proof that every member was a volunteer. Nor does it mean that an organization is not to be considered voluntary if the defense proves that some minor fraction or small percentage of its membership was compelled to join. The test is a common-sense one: Was the organization on the whole one which persons were free to join or to stay out of? Membership is not made involuntary by the fact that it was good business or good politics to identify one's self with the movement. Any compulsion must be of the kind which the law normally recognizes, and threats of political or economic retaliation would be of no consequence.

3. The aims of the organization must be criminal in that it was designing to perform acts denounced as crimes in Article 6 of the Charter. No other act would authorize conviction of an individual and therefore no other act would authorize conviction of an organization in connection with the conviction of the individual.

4. The criminal aims or methods of the organization must have been of such character that its membership in general may properly be charged with knowledge of them. This again is not specifically required by the Charter. Of course, it is not incumbent on the prosecution to establish the individual knowledge of every member of the organization or to rebut the possibility that some may have joined in ignorance of its true character.

5. Some individual defendant must have been a member of the

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organization and must be convicted of some act on the basis of which the organization is declared to be criminal.

D. Definition of Issues for Trial.

The progress of this trial will be expedited by clear definition of the issues to be tried. I have indicated what we consider to be the proper criteria of guilt. There are also subjects which we think are not relevant before this Tribunal, some of which are mentioned in the specific questions asked by the Tribunal.

Only a single ultimate issue is before this Tribunal for decision. That is whether accused organizations properly may be characterized as criminal ones or as innocent ones. Nothing is relevant here that does not bear on a question that would be common to the case of every member. Any matter which would be exculpatory for some members but not for all is irrelevant here.

We think it is not relevant to this proceeding at this stage that one or many members were conscripted if in general the membership was voluntary. It may be conceded that conscription is a good defense for an individual charged with membership in a criminal organization, but an organization can have criminal purposes and commit criminal acts even if a portion of its membership consists of persons who were compelled to join it. The issue of conscription is not pertinent to this proceeding but it is pertinent to the trials of individuals for membership in organizations declared criminal by this Tribunal.

We also think it is not relevant to this proceeding that one or more members of the named organizations were ignorant of its criminal purposes or methods if its purposes or methods were open and notorious. An organization may have criminal purposes and commit criminal acts although one or many of its members were without personal knowledge thereof. If a person joined what he thought was a social club but what in fact was a gang of cutthroats and murderers, his lack of knowledge would not exonerate the gang considered as a group, although it might possibly be a factor in extenuation of a charge of criminality brought against him for mere membership in the organization. Even then the test would be not what the man knew, but what, as a person of common understanding, he should have known.

It is not relevant to this proceeding that one or more members of the named organizations were themselves innocent of unlawful acts. This proposition is basic to the entire theory of the declaration of organizational criminality. The purpose of declaring criminality of organizations, as in every conspiracy charge,

is punishment for aiding crimes, although the precise perpetrators may never be found or identified. We know that the Gestapo and SS, as organizations, were given principal responsibility for the extermination of the Jewish people in Europe—but beyond a few isolated instances, we can never establish which members of the Gestapo or SS actually carried out the murders. Any member guilty of direct participation in such crimes can be tried on the charge of having committed specific crimes in addition to the general charge of membership in a criminal organization. Therefore, it is wholly immaterial that one or more members of the organizations were themselves allegedly innocent of specific wrongdoing. The purpose of this proceeding is not to reach instances of individual criminal conduct, even in subsequent trials and, therefore, such considerations are irrelevant here.

Another question raised by the Tribunal is the period of time during which the groups or organizations named in the Indictment are claimed by the Prosecution to have been criminal. The Prosecution believes that each organization should be declared criminal during the period referred to in the Indictment. We do not contend that the Tribunal is without power to condition its declaration so as to cover a lesser period of time than that set forth in the Indictment. The Prosecution feels, however, that there is in the record at this time adequate evidence to support the charge of criminality with respect to each of the named organizations during the full period of time set forth in the Indictment.

Another question raised by the Tribunal is whether any classes of persons included within the accused groups or organizations should be excluded from the declaration of criminality. It is, of course, necessary that the Tribunal relate its declaration to some identifiable group or organization. The Tribunal, however, is not expected or required to be bound by formalities of organization. In framing the Charter, the use was deliberately avoided of terms or concepts which would involve this trial in legal technicalities about “juristic persons” or “entities.” Systems of jurisprudence are not uniform in the refinements of these fictions. The concept of the Charter, therefore, is a nontechnical one. “Group” or “organization” should be given no artificial or sophistical meaning. The word “group” was used in the Charter as a broader term, implying a looser and less formal structure or relationship than is implied in the “organization.” The terms mean in the context of the Charter what they mean in the ordinary speech of people. The

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test to identify a group or organization is, we submit, a natural and common-sense one.

It is important to bear in mind that while the Tribunal no doubt has power to make its own definition of the groups it will declare criminal, the precise composition and membership of groups and organizations is not an issue for trial here. There is no Charter requirement and no practical need for the Tribunal to define a group or organization with such particularity that its precise composition or membership is thereby determined. The creation of a mechanism for later trial of such issues was a recognition that the declaration of this Tribunal is not decisive of such questions and is likely to be so general as to comprehend persons who on more detailed inquiry will prove to be outside of it. An effort by this Tribunal to try questions of exculpation of individuals, few or many, would unduly protract the trial, transgress the limitation of the Charter, and quite likely do some mischief by attempting to adjudicate precise boundaries on evidence which is not directed to that purpose.

The prosecution stands upon the language of the Indictment and contends that each group or organization should be declared criminal as an entity and that no inquiry should be entered upon and no evidence entertained as to the exculpation of any class or classes of persons within such descriptions. Practical reasons of conserving the Tribunal's time combine with practical considerations for the defendants. A single trial held in one city to deal with questions of excluding thousands of defendants living all over Germany could not be expected to do justice to each member unless it was expected to endure indefinitely. Provision for later, local trial of individual relationships protects the rights of members better than can possibly be done in proceedings before this Tribunal.

With respect to the Gestapo, the United States consents to exclude persons employed in purely clerical, stenographic, janitorial or similar unofficial routine tasks. As to the Nazi Leadership Corps we abide by the position taken at the time of submission of the evidence, that the following should be included: the Fuehrer, the *Reichsleitung* (i. e., the *Reichsleiters*, main departments and officeholders), the *Gauleiters* and their staff officers, the *Kreisleiters* and their staff officers, the *Ortsgruppenleiters*, the *Zellenleiters*, and the *Blockleiters*, but not members of the staff of the last three officials. As regards the SA, it is considered advisable that the Declaration expressly exclude (1) wearers of the SA Sports Badge; (2) SA controlled Home Guard Units

(SA *Wehrmannschaften*) which were not strictly part of the SA; (3) The *Marchabteilungen* of the N.S.K.O.V. (National Socialist League for Disabled Veterans); and (4) the SA Reserve, so as to include only the active part of the organization, and that members who were never in any part of that organization other than the Reserve should be excluded.

The Prosecution does not feel that there is evidence of the severability of any class or classes of persons within the organizations accused which would justify any further concessions and feels that no other part of the named groups should be excluded. In this connection, we would again stress the principles of conspiracy. The fact that a section of an organization itself committed no criminal act, or may have been occupied in technical or administrative functions, does not relieve that section of criminal responsibility if its activities contributed to the accomplishment of the criminal enterprise.

E. Further Steps Before This Tribunal.

Over 45,000 persons have joined in communications to this Tribunal asking to be heard in connection with the accusations against organizations. The volume of these applications has caused apprehension as to further proceedings. No doubt there are difficulties yet to be overcome, but my study indicates that the difficulties are greatly exaggerated.

The Tribunal is vested with wide discretion as to whether it will entertain an application to be heard. The Prosecution would be anxious, of course, to have every application granted that is necessary, not only to do justice but to avoid the appearance of doing anything less than justice. And we do not consider that expediting this trial is so important as affording a fair opportunity to present all really pertinent facts.

Analysis of the conditions which have brought about this flood of applications indicates that their significance is not proportionate to their numbers. The Tribunal sent out 200,000 printed notices of the right to appear before it and defend. They were sent to Allied prisoner of war and internment camps. The notice was published in all German language papers and was repeatedly broadcast over the radio. The 45,000 persons who responded with applications to be heard came principally from about 15 prisoner of war and internment camps in British or United States control. Those received included an approximate 12,000 from Dachau, 10,000 from Langwasser, 7,500 from Auer-

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bach, 4,000 from Staumuehle, 2,500 from Garmisch, and several hundred from each of the others.

We undertook investigation of these applications from Auerbach camp as probably typical of all. The camp is for prisoners of war, predominantly SS members, and its prisoners number 16,964 enlisted men and 923 officers. The notice of the International Tribunal was posted in each barracks and was read to all inmates. The applications to the Tribunal were forwarded without censorship. Applications to defend were made by 7,509 SS members.

Investigation indicates that these were filed in direct response to the notice and that no action was directed or inspired from any other source within the camp. All who were interrogated professed no knowledge of any SS crimes or of SS criminal purpose, but expressed interest only in their individual fate. Our investigators report no indication that the SS members had additional evidence or information to submit on the general question of the criminality of the SS as an organization. They seemed to think it necessary to make the application to this Tribunal in order to protect themselves.

Examination of the applications made to the Tribunal indicates that most members do not profess to have evidence on the general issue triable here. They assert that the writer has neither committed, witnessed, nor known of the crimes charged against the organization. On a proper definition of the issues such an application is insufficient on its face.

A careful examination of the Tribunal's notice to which these applications respond will indicate that the notice contains no word which would inform a member, particularly if a layman, of the narrowness of the issues here, or of the later opportunity of each member, if and when prosecuted, to present personal defenses. On the other hand, I think the notice creates the impression that every member may be convicted and punished by this Tribunal and that his only chance to be heard is here.

In view of these facts we suggest consideration of the following program for completion of this trial as to organizations.

1. That the Tribunal formulate and express in an order the scope of the issues and the limitations on the issues to be heard by it.

2. That a notice adequately informing members as to the limitation on issues and the opportunity for later, individual trial, be sent to all applicants and published as was the original notice.

3. That a panel of masters be appointed as authorized in

Article 17(e) of the Charter to examine applications and report those insufficient on their own statements, and to go to the camps and supervise the taking of any relevant evidence. Defense counsel and prosecution representatives should of course attend and be heard before the masters. The masters should reduce any evidence to deposition form and report the whole to the Tribunal to be introduced as a part of its record.

4. The representative principle may also be employed to simplify this task. Members of particular organizations in particular camps might well be invited to choose one or more to represent them in presenting evidence.

It may not be untimely to remind the Tribunal and defense counsel that the prosecution has omitted from evidence many relevant documents which show repetition of crimes by these organizations in order to save time by avoiding cumulative evidence. It is not too much to expect that cumulative evidence of a negative character will likewise be limited.

Some concern has been expressed as to the number of persons who might be affected by the declarations of criminality we have asked. Some people seem more susceptible to the shock of a million punishments than to the shock of 5 million murders. At most the number of punishments will never catch up with the number of crimes. However, it is impossible to state even with approximate accuracy the number of persons who might be affected. Figures from German sources seriously exaggerate the number, because they do not take account of heavy casualties in the latter part of the war, and make no allowances for duplication of membership, which was large. For example, the evidence is to the effect that 75 percent of the Gestapo men also were members of the SS. We know that the United States forces have in detention a roughly estimated 130,000 persons who appear to be members of accused organizations. I have no figures from other Allied forces. But how many of these actually would be prosecuted, instead of being dealt with under the denazification program, no one can foretell. Whatever the number, of one thing we may be sure: it is so large that a thorough inquiry by this Tribunal, into each case, would prolong its session beyond endurance. All questions as to whether individuals or sub-groups of accused organizations should be excepted from the Declaration of Criminality, should be left for local courts, located near the home of the accused and near sources of evidence. These courts can work in one or at most in two languages, instead of four, and can hear evidence which both parties direct to the specific issues.

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F. Conclusion.

This is not the time to review the evidence against particular organizations which, we take it, should be reserved for summation after all the evidence is presented. But it is timely to say that the selection of the six organizations named in the Indictment was not a matter of chance. The chief reasons they were chosen are these: collectively they were the ultimate repositories of all power in the Nazi regime; they were not only the most powerful, but the most vicious organizations in the regime; and they were organizations in which membership was generally voluntary.

The Nazi Leadership Corps consisted of the directors and principal executors of the Nazi Party, which was the force lying behind and dominating the whole German state. The Reichs Cabinet was the facade through which the Nazi Party translated its will into legislative, administrative, and executive acts. The two pillars on which the security of the regime rested were the armed forces, directed and controlled by the General Staff and High Command, and the police forces—the Gestapo, the SA, the SD, and the SS. These organizations exemplify all the evil forces of the Nazi regime.

These organizations were also selected because, while representative, they were not so large or extensive as to make it probable that innocent, passive, or indifferent Germans might be caught up in the same net with the guilty. State officialdom is represented, but not all administrative officials or department heads or civil servants; only the *Reichsregierung*, the very heart of Nazidom within the Government, is named. The armed forces are accused, but not the average soldier or officer, no matter how high ranking. Only the top policy-makers—the General Staff and High Command—are named. The police forces are accused, but not every policeman: not the ordinary police, which performed only normal police functions. Only the most terroristic and repressive police elements—the Gestapo and SD—are named. The Nazi Party is accused, but not every Nazi voter, not even every member; only the leaders, the *Politische Leiter*. (See Chart No. 14.) And not even every Party official or worker is included; only “the bearers of sovereignty,” in the metaphysical jargon of the Party, who were the actual commanding officers and their staff officers on the highest levels, are accused. The “formations” or strong arms of the Party are accused, but not every one of the seven formations, nor any of the twenty or more supervised or affiliated party groups. Nazi organizations in which membership

was compulsory, either legally or in practice (like the Hitler Youth and the *Deutsche Studentschaft*) ; Nazi professional organizations (like the Civil Servants Organization, the National Socialist Teachers Organization, and the National Socialist Lawyers Organization) ; Nazi organizations having some legitimate purpose (like the welfare organizations), have not been indicted. Only two formations are named, the SA and the SS, the oldest of the Nazi organizations, groups which had no purpose other than carrying out the Nazi schemes and which actively participated in every crime denounced in the Charter.

In administering preventive justice with a view to forestalling repetition of these crimes against peace, crimes against humanity, and war crimes, it would be a greater catastrophe to acquit these organizations than it would be to acquit the entire 22 individual defendants in the box. These defendants' power for harm is spent. That of these organizations goes on. If they are exonerated here, the German people will infer that they did no wrong and will easily be regimented in reconstituted organizations under new names behind the same program.

In administering retributive justice it would be possible to exonerate these organizations only by concluding that no crimes have been committed by the Nazi regime. Their sponsorship of every Nazi purpose and their confederation to execute every measure to attain those ends is beyond denial. A failure to condemn these organizations under the terms of the Charter can only mean that such Nazi ends and means cannot be considered criminal, and that the Charter of the Tribunal is considered a nullity.

2. THE NAZI PARTY LEADERSHIP CORPS

The Nazi Party Leadership Corps—it is proposed to demonstrate—was responsible for planning, directing, and supervising the criminal measures carried into execution by the Nazi Party, which was the central core of the common plan or conspiracy charged in Count I of the Indictment. Moreover, it will be shown, the members of the Leadership Corps themselves actively participated in the commission of illegal measures in aid of the conspiracy. In the light of the evidence to be discussed, the Leadership Corps may be fairly described as the brain, the backbone, and the directing arms of the Nazi Party. Its responsibilities are more massive and comprehensive than those of the army of followers who blindly and faithfully did its bidding.

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A. *Composition, Functions, Responsibilities, and Powers of the Leadership Corps.*

In considering the composition and organizational structure of the Leadership Corps, preliminary reference is made to the organization chart of the Nazi Party (*Chart Number 1*) as well as a chart of the Leadership Corps of the Nazi Party appearing at page 9 of a magazine published by the Chief Education Office of the Nazi Party entitled "*Das Gesicht der Partei*" (The Face of the Party). These charts and the evidence to follow show that the Leadership Corps constituted the sum of the officials of the Nazi Party: it included the Fuehrer; the *Reichsleiter* and Reich office holders; the five categories of leaders who were area commanders (called *Hoheitstraeger*, or "bearers of sovereignty") ranging all the way from the 40-odd *Gauleiter* in charge of large districts down through the intermediate political leaders to the *Blockleiter*, charged with looking after 40 to 60 households; and what may best be described as the Staff Officers attached to each of the 5 levels of *Hoheitstraeger*.

Organized upon a hierarchical basis, forming a pyramidal structure, the principal Political Leaders on a scale of descending authority were:

Fuehrer

Reichsleiter (Reich Leaders) and *Main Office* and *Office Holders*

Gauleiter (District Leaders) and Staff Officers

Kreisleiter (County Leaders) and Staff Officers

Ortsgruppenleiter (Local Chapter Leaders) and Staff Officers

Zellenleiter (Cell Leaders) and Staff Officers

Blockleiter (Block Leaders) and Staff Officers

A large part of this and other evidence relating to the composition of the Leadership Corps of the Nazi Party is to be found in the 1943 edition of the *Organization Book of the NSDAP*, an authoritative primer on Nazi organizations which was edited by the defendant, Reich Organization Leader of the NSDAP, Dr. Robert Ley.

The *Reichsleitung* of the Leadership Corps consisted of the *Reichsleiter* or Reich Leaders of the Party, the *Hauptaemter* (Main Offices) and the *Aemter* (or Offices). The *Reichsleiter* of the Party were, next to Hitler, the highest officeholders in the Party hierarchy. All the *Reichsleiter* and Main Office and officeholders within the *Reichsleitung* were appointed by Hitler and

were directly responsible to him. The *Organization Book of the NSDAP* puts it as follows:

"The Fuehrer appoints the following Political Directors:
 "Reichsleiter and all Political Directors, to include the Directors of the Womens Leagues within the Reich Directorate or *Reichsleitung*." (1893-PS)

The significant fact is that through the *Reichsleitung* perfect coordination of Party and State machinery was guaranteed. The Party Manual describes it this way:

"In the *Reichsleitung* the arteries of the organization of the German people and of the German State merge." (1893-PS)

To demonstrate that the *Reichsleiter* of the Leadership Corps included the most powerful coalition of political overlords in Nazi Germany, it is necessary only to mention their names. The list of *Reichsleiter* includes the following defendants on trial: Rosenberg, Von Schirach, Frick, Bormann, and Ley.

The evidence to be presented will show that Rosenberg was the leader of an organization named for him, the *Einsatzstab* Rosenberg, which carried out a vast program of looting and plunder of art treasures throughout occupied Europe. The evidence will further show that, as Representative of the Fuehrer for the Supervision of Nazi Ideology and Schooling, Rosenberg participated in an aggressive campaign to undermine the Christian churches and to supersede Christianity by a German National Church founded upon a combination of irrationality, pseudo-scientific theories, mysticism, and the cult of the racial state.

It will be shown that the late Defendant Ley, acting as the agent of Hitler and the Leadership Corps, directed the Nazi assault upon the independent labor unions of Germany and before destroying himself first destroyed the free and independent labor movement; and that he replaced it by a Nazi organization, the German Labor front or DAF, which he employed as a means of exploiting the German labor force in the interests of the conspiracy and to instill Nazi ideology among the ranks of the German workers.

It will be shown that Frick participated in the enactment of many laws which were designed to promote the conspiracy in its several phases. Frick shares responsibility for the grave injury done by the officials of the Leadership Corps to the concept of the rule of law by virtue of his efforts to give the color of law and formal legality to a large volume of Nazi legislation violative of the rights of humanity, such as the legislation designed to stigmatize and eliminate the Jewish people of Germany and German-

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occupied Europe. As chief of the Party Chancellery, immediately under Hitler, Bormann was an extremely important force in directing the activities of the Leadership Corps. As will be shown, a decree of 16 January 1942 provided that the participation of the Party in all important legislation, governmental appointments, and promotions had to be undertaken exclusively by Bormann. He took part in the preparation of all laws and decrees issued by the Reich authorities and gave his assent to those of the subordinate governments.

The list of *Reichsleiter* of the NSDAP set forth in the *National Socialist Yearbook* (1943 Edition) shows that the following 15 *Reichsleiter* were in office in 1943 (2473-PS):

"THE REICHSLEITERS OF THE NSDAP

"Max Amann	<i>Reichsleiter</i> for the Press.
"Martin Bormann	Chief of the Party Chancery.
"Phillipp Bouhler	Chief of the Chancery of the Fuehrer of the NSDAP. Chairman of the official Party Investigation Commission for the Protection of National Socialist Writings.
"Walter Darré	On leave.
"Otto Dietrich	Reich Press Chief of the NSDAP.
"Franz von Epp	Chief of the <i>Kolonialpolitischen Amtes</i> .
"Karl Fiehler	Chief of the main office for Municipal Politics.
"Wilhelm Frick	Leader of the National Socialist "faction" in the Reichstag.
"Joseph Goebbels	Reich Propaganda Leader of the NSDAP.
"Konstantin Hierl	Leader of the Reich Labor.
"Heinrich Himmler	Reich Leader of the SS. The Deputy of the NSDAP, for all questions of Germandom.
"Robert Ley	Reich Organization Leader of the NSDAP. Leader of the German Labor Front.
"Victor Lutze	Chief of Staff of the SA.
"Alfred Rosenberg	Representative of the Fuehrer for the supervision of all mental and ideological training and education of the NSDAP.

"Baldur von Schirach.... Reich Leader for the Education of Youth of the NSDAP.

"Franz Xaver Schwarz. Reich Treasurer of the NSDAP."
(2473-PS)

The principal functions of the *Reichsleiter* included carrying out the tasks and missions assigned to them by the Fuehrer or by the Chief of the Party Chancellery, Martin Bormann. The *Reichsleiter* were further charged with insuring that Party policies were being executed in all the subordinate areas of the Reich. The *Reichsleiter* were also responsible for insuring a continual flow of new leadership into the Party. With respect to the function and responsibilities of the *Reichsleiter*, the Organization Book of the NSDAP states as follows:

"The NSDAP represents the political conception, the political conscience, and the political will of the German nation. Political conception, political conscience, and political will are embodied in the person of the Fuehrer. Based on his directives and in accordance with the program of the NSDAP the organs of the Reich Directorate directionally determine the political aims of the German people. It is in the Reich Directorate that the arteries of the organization of the German people and the State merge. It is the task of the separate organs of the Reich Directorate to maintain as close a contact as possible with the life of the nation through their sub-offices in the Gau * * *

"The structure of the Reich Directorate is thus that the channel from the lowest Party office upwards shows the most minute weaknesses and changes in the mood of the people
* * *

"Another essential task of the Reich Directorate is to assure a good selection of leaders. It is the duty of the Reich Directorate to see that there is leadership in all phases of life, a leadership which is firmly tied to National Socialist ideology and which promotes its dissemination with all its energy
* * *

"* * * It is the supreme task of the Reich Organization Leader to preserve the Party as a well-sharpened sword for the Fuehrer." (1893-PS)

The domination of the German Government by the top members of the Leadership Corps was facilitated by a circular decree of the Reich Minister of Justice, dated 17 February 1934, which established equal rank for the offices within the *Reichsleitung* of the Leadership Corps and the Reich offices of the government. In this decree it was expressly provided that

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"the supreme offices of the *Reichsleitung* are equal in rank to the supreme Reich Government authorities."

The Party Manual termed the control exercised over the machinery of government by the Leadership Corps "the permeation of the State apparatus with the political will of the Party."

Domination by the Leadership Corps over the German State and Government was facilitated by uniting in the same Nazi chieftains both high office within the *Reichsleitung* and corresponding offices within the apparatus of government. For example, Goebbels was a *Reichsleiter* in charge of Party propaganda, but he was also a cabinet minister in charge of Propaganda and Public Enlightenment. Himmler held office within the *Reichsleitung* as head of the Main Office for "Volkdom" and as Reichsfuehrer of the SS. At the same time, Himmler held the governmental position of Reich Commissioner for the Consolidation of Germandom and was the governmental head of the German police system (*Chart Number 1*). This personal union of high office in the Leadership Corps and high governmental position in the same Nazi Leaders greatly assisted the plan of the Leadership Corps to dominate and control the German State and Government.

In addition to the *Reichsleiter*, the *Reichsleitung* (Reich Party Directorate) included about eleven *Hauptamter*, or Main Offices, and about four *Amt*, or Offices. The *Hauptamter* of the Party included such main organizations as those for personnel, training, technology (headed by Speer), "Volkdom," (headed by Himmler), civil servants, communal policy, and the like. The *Amt*, or offices, of the Party within the *Reichsleitung* included the Office for Foreign Policy under Rosenberg which actively participated in plans for aggression against Norway, the Office for Colonial Policy, the Office for Genealogy, and the Office for Racial Policy.

Certain of the main offices and offices within the *Reichsleitung* appeared again within the *Gauleitung*, or Gau Party Directorate, and *Kreisleitung*, or County Party Directorate. Thus, the *Reichsleiter* and main office and office holders within the *Reichsleitung* exercised, through functional channels running through subordinate offices on lower regional levels, total control over the various sectors of the national life of Germany.

(1) *Gauleiter*. For Party purposes Germany was divided into major administrative regions, *Gaue*, which, in turn, were subdivided into *Kreise* (counties), *Ortsgruppen* (local chapters), *Zellen* (cells), and *Blocke* (blocks). Each *Gau* was in charge of

a *Gauleiter* who was the political leader of the *Gau* or district. Each *Gauleiter* was appointed by and was responsible to Hitler himself. The *Organization Book of the NSDAP* states:

"The *Gau* represents the concentration of a number of Party counties, or *Kreise*. The *Gauleiter* is directly subordinate to the Fuehrer. He is appointed by the Fuehrer. The *Gauleiter* bears overall responsibility to the Fuehrer for the sector of sovereignty entrusted to him. The rights, duties, and jurisdiction of the *Gauleiter* result primarily from the mission assigned by the Fuehrer and, apart from that, from detailed directives." (1893-PS)

The responsibility and function of the *Gauleiter* and his staff officers or office holders were essentially political, namely, to insure the authority of the Nazi Party within his area, to coordinate the activities of the Party and all its affiliated and supervised organizations, and to enlarge the influence of the Party over people and life in his *Gau* generally. Following the outbreak of the war, when it became imperative to coordinate the various phases of the German war effort, the *Gauleiter* were given additional important responsibilities. The Ministerial Council for the Defense of the Reich, which was a sort of general staff for civil defense and the mobilization of the German war economy, by a decree of 1 September 1939 (1939, *Reichsgesetzblatt*, Part I, page 1565), appointed about sixteen *Gauleiter* as Reich Defense Commissars. Later, under the impact of mounting military reverses and an increasingly strained war economy, more and more important administrative functions were put on a *Gau* basis; the Party *Gaue* became the basic defense areas of the Reich and each *Gauleiter* became a Reich Defense Commissar (Decree of the Ministerial Council for the Defense of the Reich of 16 November 1942, 1942 *Reichsgesetzblatt*, Part I, page 649). In the course of the war, additional functions were entrusted to the *Gauleiter* so that at the end, with the exception of certain special matters, such as police affairs, almost all phases of the German war economy were coordinated and supervised by them. For instance, regional authority over price control was put under the *Gauleiter* as Reich Defense Commissars, and housing administration was placed under the *Gauleiter* as *Gau* Housing Commissar. Toward the end of the war, the *Gauleiter* were charged even with military and quasi military tasks. They were made commanders of the *Volkssturm* in their areas and were entrusted with such important functions as the evacuation of civilian population in the path of the advancing Allied armies, as well as measures for the destruction of vital installations.

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The structure and organization of the Party *Gau* were substantially repeated in the lower levels of the Party organization such as the *Kreise*, *Ortsgruppen*, Cells, and Blocks. Each of these was headed by a political leader who, subject to the Fuehrer principle and the orders of superior political leaders, was sovereign within his sphere. The Leadership Corps of the Nazi Party was in effect a "hierarchy of descending caesars." Each of the subordinate Party levels, such as *Kreise*, *Ortsgruppen*, and so on, was organized into offices or *Aemter* dealing with the various specialized functions of the Party. But the number of such departments and offices diminished as the Party unit dropped in the hierarchy, so that, while the *Kreise* office contained all, or most of the offices in the *Gau* (such as the deputy, the staff office leader, an organization leader, school leader, propaganda leader, press office leader, treasurer, judge of the Party Court, inspector, and the like), the *Ortsgruppe* had less and the *Zellen* and *Blocke* fewer still.

(2) *Kreisleiter* (County Leaders). The *Kreisleiter* was appointed and dismissed by Hitler upon the nomination of the *Gauleiter* and directly subordinate to the *Gauleiter* in the Party hierarchy. The *Kreis* usually comprised a single county. The *Kreisleiter*, within the *Kreis*, had in general the same position, powers, and prerogatives granted the *Gauleiter* in the *Gau*. In cities they constituted the very core of Party power and organization. According to the *Organization Book of the NSDAP*:

"The *Kreisleiter* carries over-all responsibility towards the *Gauleiter* within his zone of sovereignty for the political and ideological training and organization of the Political Leaders, the Party members, as well as the population." (1893-PS)

(3) *Ortsgruppenleiter* (Local Chapter Leaders). The area of the *Ortsgruppenleiter* comprised one or more communes or, in a town, a certain district. The *Ortsgruppe* was composed of a combination of blocks and cells and, according to local circumstances, contained up to 1500 households. The *Ortsgruppenleiter* also had a staff of office leaders to assist him in the various functional activities of the Party. All other political leaders in his area of responsibility were subordinate to and under the direction of the *Ortsgruppenleiter*. For example, the leaders of the various affiliated organizations of the Party, within his area, such as the German Labor Front, and the Nazi organizations for lawyers, students, and civil servants, were all subordinate to the *Ortsgruppenleiter*. In accordance with the Fuehrer principle, the

Ortsgruppenleiter or Local Chapter Leaders were appointed by the *Gauleiter* and were directly under and subordinate to the *Kreisleiter*.

The party Manual provides as follows with respect to the *Ortsgruppenleiter*:

"As *Hoheitstraeger* [Bearer of Sovereignty] all expressions of the Party will emanate from the *Ortsgruppenleiter*; he is responsible for the political and ideological leadership and organization within his zone of sovereignty.

"The *Ortsgruppenleiter* carries the over-all responsibility for the political results of all measures initiated by the offices, organizations, and affiliated associations of the Party.

* * * The *Ortsgruppenleiter* has the right to protest to the *Kreisleiter* against any measures contrary to the interests of the Party with regard to an outside political appearance in public." (1893-PS)

(4) *Zellenleiter* (Cell Leaders). The *Zellenleiter* was responsible for four to eight blocks. He was the immediate superior of and had control and supervision over the *Blockleiter* (Block Leader). His mission and duties, according to the Party Manual, corresponded to the missions of the *Blockleiter*. (1893-PS)

(5) *Blockleiter* (Block Leaders). The *Blockleiter* was the one Party official who was peculiarly in a position to have continuous contact with the German people. The *block* was the lowest unit in the Party pyramidal organization. The *block* of the Party comprised 40 to 60 households and was regarded by the Party as the focal point upon which to press the weight of its propaganda. The *Organization Book of the NSDAP* states:

"The household is the basic community upon which the block and cell system is built. The household is the organizational focal point of all Germans united in an apartment and includes roomers, domestic help, etc. * * * The *Blockleiter* has jurisdiction over all matters within his zone relating to the Movement and is fully responsible to the *Zellenleiter*. * * *" (1893-PS)

The *Blockleiter*, as in the case of other political leaders, was charged with planning, disseminating, and developing a receptivity to the policies of the Nazi Party among the population in his area of responsibility. It was also the expressed duty of the *Blockleiter* to spy on the population. According to the Party Manual:

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"It is the duty of the *Blockleiter* to find people disseminating damaging rumors and to report them to the *Ortsgruppe* so that they may be reported to the respective State authorities. "The *Blockleiter* must not only be preacher and defender of the National Socialist ideology towards the members of nation and Party entrusted to his political care, but he must also strive to achieve practical collaboration of the Party members within his block zone * * *."

"The *Blockleiter* shall continuously remind the Party members of their particular duties towards the people and the State * * * The *Blockleiter* keeps a list (card file) about the households * * * In principle, the *Blockleiter* will settle his official business verbally and he will receive messages verbally and pass them on in the same way. Correspondence will only be used in cases of absolute necessity * * * The *Blockleiter* conducts National Socialist propaganda from mouth to mouth. He will eventually awaken the understanding of the eternally dissatisfied as regards the frequently misunderstood or wrongly interpreted measures and laws of the National Socialist Government * * * It is not necessary to him to fall in with complaints and gripes about possibly obvious shortcomings of any kind in order to demonstrate * * * solidarity * * * A condition to gain the confidence of all people is to maintain absolute secrecy in all matters." (1893-PS)

There were in Germany around a half million of these *Blockleiter*. Large though this figure may appear, there can be no doubt that these officials were in and of the Leadership Corps of the Nazi Party. Though they stood at the broad base of the Party pyramid rather than at its summit, where rested the *Reichsleiter*, by virtue of this fact they were stationed at close intervals throughout the German civil population. It may be doubted that the average German ever looked upon the face of Heinrich Himmler. But the man in the street in Nazi Germany could not have avoided an uneasy acquaintance with the *Blockleiter* in his neighbourhood. It was the block leaders who represented to the people of Germany the police-state of Hitler's Germany. In fact, the *Blockleiter* were little *fuehrers* with real power over the civilians in their domains. The authority of the *Blockleiter* to exercise coercion and the threat of force upon the civil population is shown in an excerpt from page 7 of the magazine published by the Chief Education Office of the Party, entitled "The Face of the Party":

"Advice and sometimes also the harsher form of education is employed if the faulty conduct of an individual harms this individual himself and thus also the community."

(6) *Hoheitstraeger*. Within the Leadership Corps of the Nazi Party certain of the Political Leaders possessed a higher degree of responsibility than others, were vested with special prerogatives, and constituted a distinctive and elite group. These were the so-called "*Hoheitstraeger*" (Bearers of Sovereignty) who represented the Party within their area of jurisdiction, the so-called *Hoheitsgebiet*. The Party Manual (1893-PS) states as follows:

"Among the Political Leaders, the *Hoheitstraeger* assumed a special position. Contrary to the other Political Leaders who have departmental missions, the *Hoheitstraeger* themselves are in charge of a geographical sector known as the *Hoheitsgebiet* [Sectors of Sovereignty].

"*Hoheitstraeger* are:

"The *Fuehrer*

The *Gauleiter*

The *Kreisleiter*

The *Ortsgruppenleiter*

The *Zellenleiter*

The *Blockleiter*.

"*Hoheitsgebiet* are:

"The *Reich*

The *Gau*

The *Kreis*

The *Ortsgruppe*

The *Zelle*

The *Block*.

"Within their sector of sovereignty the *Hoheitstraeger* have sovereign political rights. They represent the Party within their sector. The *Hoheitstraeger* supervise all Party Officers within their jurisdiction and * * * are responsible for the maintenance of discipline. * * * The directors of offices, etc., and of the affiliated organizations are responsible to their respective *Hoheitstraeger* as regards their special missions. * * * The *Hoheitstraeger* are superior to all Political Leaders, managers, etc., within their sector. As regards personal considerations, *Hoheitstraeger* * * * are endowed with special rights.

"The *Hoheitstraeger* of the Party are not to be administrative officials * * * but are to move in a continuous vital contact with the Political Leaders of the population within their

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sector. The *Hoheitstraeger* are responsible for the proper and good supervision of all members of the nation within their sectors * * *.

"The Party intends to achieve a state of affairs in which the individual German will find his way to the Party * * *." (1893-PS)

The distinctive character of the *Politischer Leiter* (Political Leaders) constituting the *Hoheitstraeger*, and their existence and operation as an identifiable group, are indicated by the publication of a magazine, entitled *Der Hoheitstraeger*, whose distribution was limited by regulation of the Reich Organization Leader to the *Hoheitstraeger* and certain other designated *Politischer Leiter*. The inside cover of this exclusive Party magazine reads as follows:

"*DER HOHEITSTRAEGER*, the contents of which is to be handled confidentially, serves only for the orientation of the competent leaders. It may not be loaned out to other persons * * *" [then follows a list of the *Hoheitstraeger* and other Political Leaders authorized to receive the magazine.] (2660-PS)

The magazine states that, in addition, the following were entitled to receive it:

"Commandants, Unit Commanders and Candidates of Order Castles; the Reich, Shock Troop and *Gaue* Speakers of the NSDAP; the Lieutenant Generals and Major Generals of SA, SS, NSFK, and NSKK; Lieutenant Generals and Major Generals of the HJ." (2660-PS)

The fact that this magazine existed, that it derived its name from the Commanding Officers of the Leadership Corps, that it was distributed to the elite of the Leadership Corps—that a House Bulletin was circulated down the command channels of the Leadership Corps—demonstrates that the Leadership Corps of the Nazi Party was an identifiable group or organization within the meaning of Article 9 of the Charter.

An examination of the contents of the magazine *Der Hoheitstrager* reveals a continuing concern by the Leadership Corps of the Nazi Party in measures and doctrines which were employed throughout the course of the conspiracy. The plans and policies of the inner elite of the Leadership Corps gain clarity through a random sampling of articles published and policies advocated in various issues of the magazine *Der Hoheitstrager*. From February 1937 to October 1938 these included the following: anti-Semitic articles, attacks on Catholicism and the Christian

religion and clergy; the need for motorized armament; the urgent need for expanded *Lebensraum* and colonies; persistent attacks on the League of Nations; the use of the Block and Cell in achieving favorable votes in Party plebiscites; the intimate association between the *Wehrmacht* and the Political Leadership; the racial doctrines of Fascism; the cult of "leadership"; the role of the *Gaue*, *Ortsgruppen*, and *Zellen* in the expansion of Germany; and related matters.

(a) *Organization of Political Leaders.* The Political Leaders were organized according to the leadership principle (1893-PS):

"The basis of the Party organization is the Fuehrer thought. The public is unable to rule itself either directly or indirectly * * * All Political Leaders stand as appointed by the Fuehrer and are responsible to him. They possess full authority toward the lower echelons * * * Only a man who has absorbed the school of subordinate functions within the Party has a claim to the higher Fuehrer offices. We can only use Fuehrers who have served from the ground up. Any Political Leader who does not conform to these principles is to be dismissed or to be sent back to the lower offices, as *Blockleiter*, *Zellenleiter* for further training * * *

"The Political Leader is not an office worker but the Political Deputy of the Fuehrer * * * Within the Political Leadership, we are building the Political Leadership of the state * * * The type of the Political Leader is not characterized by the office which he represents. There is no such thing as a Political Leader of the NSBO, etc., but there is only the Political Leader of the NSDAP." (1893-PS)

Each Political Leader was sworn in yearly. According to the Party Manual (1893-PS), the wording of the oath was as follows:

"I pledge eternal allegiance to Adolf Hitler. I pledge unconditional obedience to him and the Fuehrers appointed by him." (1893-PS)

The Organization Book of the NSDAP also provides:

"The Political Leader is inseparably tied to the ideology and the organization of the NSDAP. His oath only ends with his death or with his expulsion from the National Socialist community." (1893-PS)

(b) *Appointment of Political Leaders.* The appointment of the political leaders constituting the Leadership Corps of the Nazi Party proceeded as follows, according to the Party Manual:

"The Fuehrer appointed the following Political Leaders:

"a. All *Reichsleiter* and all Political Leaders within the

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Reichsleitung [Reich Party Directorate], including women's leaders.

"b. All *Gauleiter*, including the Political Leaders holding offices in the *Gauleitung* [Gau Party Directorate], including *Gau* women leaders.

"c. All *Kreisleiter*.

"The *Gauleiter* appointed:

"a. The Political Leaders and women's leaders within the *Gau* Party Directorate.

"b. The Political Leaders and directors of women's leagues in the *Kreis* Party Directorate.

"c. All *Ortsgruppenleiter*.

"The *Kreisleiter* appoints the Political Leaders and the Directors of the Women's Leagues of the *Ortsgruppen* including the Block and Cell Leaders." (1893-PS)

c. Power of *Hoheitstraeger* to Call Upon Party Formations. The *Hoheitstraeger* among the Leadership Corps were entitled to call upon and utilize the various Party Formations as necessary for the execution of Nazi Party policies.

The Party Manual makes it clear that the *Hoheitstrager* has power and authority to requisition the services of the SA:

"The *Hoheitstrager* is responsible for the entire political appearance of the Movement within his zone. The SA leader of that zone is tied to the directives of the *Hoheitstrager* in that respect.

"The *Hoheitstrager* is the ranking representative of the Party to include all organizations within his zone. He may requisition the SA located within his zone from the respective SA leader if they are needed for the execution of a political mission. The *Hoheitstrager* will then assign the mission to the SA * * *

"Should the *Hoheitstrager* need more SA for the execution of political mission than is locally available, he then applies to the next higher office of sovereignty which, in turn, requests the SA from the SA office in his sector." (1893-PS)

The *Hoheitstrager* also had the same authority to call upon the services of the SS and NSKK (1893-PS).

The *Hoheitstrager* further, had authority to call upon the services of the Hitler Youth (HJ):

"The Political Leader has the right to requisition the HJ in the same manner as the SA for the execution of a political action.

"In appointing leaders of the HJ and the DJ, the office of the

HJ must procure the approval of the *Hoheitstrager* of his zone. This means that the *Hoheitstrager* can prevent the appointment of leaders unsuited for the leadership of youth. If his approval has not been procured, an appointment may be cancelled if he so requests." (1893-PS)

An example of the use of the Party Formations at the call of the Leadership Corps of the Party is provided by the action taken by the *Reichsleiter* for Party Organization of the NSDAP, Dr. Robert Ley, leading to the deliberate dissolution of the Free Trade Unions on 2 May 1933. A directive issued by *Reichsleiter* Ley on 21 April 1933 (392-PS) ordered the employment of the SA and the SS in occupying trade union properties and in taking trade union leaders into protective custody:

"* * * SA as well as SS are to be employed for the occupation of trade union properties and for the taking of personalities who come into question into protective custody.

"The *Gauleiter* (i.e. Regional Director) is to proceed with his measures on a basis of the closest understanding with competent Regional Factory Cells Director. * * *

* * * * *

"The following are to be taken into protective custody:

"All Trade Union Chairmen; the District Secretaries and the Branch Directors of the 'Bank for Workers, Employees and Officials, Inc.' " (392-PS)

A decree issued by Hess as Deputy of the Fuehrer, dated 25 October 1934, underwrites the authority of the *Hoheitstrager* with respect to the Party Formations:

"The political leadership within the Party and its political representation towards all offices, State or others, which are outside of the Party, lie solely and exclusively with the *Hoheitstrager*, which is to say with me, the *Gauleiter*, *Kreisleiter*, and *Ortsgruppenleiter* * * *.

"The departmental workers of the Party organization, as well as *Reichsleiter*, office directors, etc., as well as the leaders of the SA, SS, HJ and the subordinate affiliations, may not enter into binding agreements of a political nature with State and other offices except when so authorized by their *Hoheitstrager*.

"In places where the territories of the units of the SA, SS, HJ and the subordinate affiliations do not coincide with the zones of the *Hoheitstrager*, the *Hoheitstrager* will give his political directives to the ranking leader of each unit within his zone of sovereignty." (2474-PS)

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It was the official policy of the Leadership Corps to establish close and cooperative relations with the Gestapo. The Head of the German Police and SS, Himmler, was a *Reichsleiter* on the top level of the Leadership Corps. A decree issued by Bormann, as Chief of Staff of the Deputy of the Fuehrer, dated 26 June 1935, provided the following:

"In order to effect a closer contact between the offices of the Party and its organizations with the Directors of the Secret State Police [Gestapo], the Deputy of the Fuehrer requests that the Directors of the Gestapo be invited to attend all of the larger official rallies of the Party and its organization."

(d) *Meetings of the Political Leaders.* The contention of the Prosecution that the members of the Leadership Corps constituted a distinctive and identifiable group or organization is strongly supported by the fact that the various *Hoheitsstraeger* (such as the *Gauleiter*, *Kreisleiter*, *Ortsgruppenleiter*, and so on) were under an absolute obligation to meet and confer periodically, not only with the staff officers on their own staffs, but with the political leaders and staff officers immediately subordinate to them. For example, the *Gauleiter* was bound to confer with his staff officers (such as his deputy, his staff office leader, his organization leader, school leader, propaganda leader, press leader, his *Gau* Party Judge, and so on) every 8 to 14 days. Furthermore, the *Gauleiter* was obligated to meet with the various *Gauleiter* subordinate to him once every 3 months for a 3-day convention for the purpose of discussing and clarifying Nazi Party policies and directives, for hearing basic lectures on Party policy, and for the mutual exchange of information pertinent to the Party's current program. The *Gauleiter* was also obligated to meet at least once a month with the leaders of the Party formations and affiliated organizations within his *Gau* area, such as the leaders of the SA, SS, Hitler Youth and others. These matters are set forth in the *Organization Book of the NSDAP (1893-PS)* as follows:

"Leader conferences in the District:

"(a) District Leaders (*Gauleiter*) with his staff every 8 to 14 days.

"(b) It is further absolutely necessary that the directors of the *Gau* offices will meet with the county directors of their district once every three months for a three-day convention (possibly at a district schooling castle) where they will have an opportunity to overcome difficulties of personal and professional nature, apart from hearing fundamental lectures, by social gatherings in the presence of the bearer of

the sovereignty, by getting to know each other and by a mutual exchange of ideas. Participation in these conferences is compulsory and duty would not constitute an excuse under any circumstances.

"(c) The arrangement of social meeting in the presence of leaders of the organizations of RAD and NSFK of the respective zone of sovereignty. In the course of these meetings differences of opinion may be straightened out in discussions.

"(d) The bearer of sovereignty will meet at least once a month with the leaders of the SA, SS, NSKK, HJ, as well as the RAD and the NSFK who are within the zone for the purpose of mutual orientation." (1893-PS)

The *Organization Book of the Party* imposes a similar requirement of regular and periodical conferences and meetings upon all the other *Hoheitstraeger*, including the *Kreisleiter*, *Ortsgruppenleiter*, *Zellenleiter*, and *Blockleiter*.

The clear consequence of such regular and obligatory conferences and meetings by all the *Hoheitstraeger*, both with their own staff officers and with the political leaders and staff officers subordinate to them, was that basic Nazi policies and directives issued by Hitler and the leader of the Party Chancellery, Bormann, directly through the chain of command of the *Hoheitstraeger*, and functional policies issued by the various *Reichsleiter* and Reich office holders through functional and technical channels, were certain to be brought to the attention and understanding of the bulk of the membership of the Leadership Corps. When this fact is coupled with the further fact that all the members of the Leadership Corps under the Leadership Principle and their sworn oaths, were bound to obey blindly and without question orders received from their competent superiors, it is clear that the general membership of the Leadership Corps is responsible for measures taken or ordered by that organization in furtherance of the conspiracy.

(7) *Statistics Relating to the Leadership Corps*. As previously shown, the Leadership Corps comprised the sum of officials of the Nazi Party, including, in addition to Hitler and the members of the *Reichsleitung*, such as the *Reichsleiter* and the Reich office holders, a hierarchy of *Hoheitstraeger* (ranging from the *Gau-leiter* down to the *Blockleiter*) as well as the staff officers attached to the *Hoheitstraeger*. According to page 10 of issue No. 8, 1939 of the authoritative publication of the Leadership Corps, "*Der Hoheitstrager*," there were in 1939:

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40 *Gaue* and 1 Foreign

Organization *Gau* each led by a *Gauleiter*.

808 *Kreise* each led by a *Kreisleiter*.

28,376 *Ortsgruppen* each led by a *Ortsgruppenleiter*.

89,378 *Zellen* each led by a *Zellenleiter*.

463,048 *Blocke* each led by a *Blockleiter*.

(2958-PS)

However, as shown by previous evidence, the Leadership Corps was composed not only of the *Hoheitstraeger* (such as *Gauleiter*, *Kreisleiter*, *Ortsgruppenleiter*, *Zellenleiter*, and *Blockleiter*) but also of the staff officers or office holders attached to these *Hoheitstraeger*. The *Gauleiter*, for example, was assisted by a deputy *Gauleiter*, several *Gau* inspectors, and a staff which was divided into main offices (*Hauptamter*) and offices (*Amter*), including such departments as the *Gau* staff Office, Treasury, Education Office, Propaganda Office, Press Office, University Teachers, Communal Policy, etc. As previously shown in evidence, the staff office structure of the *Gau* was substantially represented in the lower levels of the Leadership Corps organization such as the *Kreise*, *Ortsgruppen*, and so on. The *Kreise* and the smaller territorial areas of the Party were also organized into staff offices dealing with the various activities of the Leadership Corps. But, of course, the importance and the number of such staff offices diminished as the unit dropped in the hierarchy; so that, while the *Kreisleiter* staff contained all or most of the departments mentioned for the *Gau*, the *Ortsgruppe* had fewer departments and the lower ones fewer still.

Firm figures have not been found as to the total number of staff officers, as distinguished from the *Hoheitstraeger* or political commanders themselves included within the Leadership Corps.

It is the view of the prosecution that in defining the scope and composition of the Leadership Corps, staff officers should be included only down to and including the *Kreise*. Upon this basis, the Leadership Corps of the Nazi Party constituted the Fuehrer, the members of the *Reichsleitung*, the 5 levels of *Hoheitstraeger* (ranging from *Gauleiter* down through the *Blockleiter*), and the staff officers attached to the 40-odd *Gauleiter* and the eight to nine hundred *Kreisleiter*. Adopting this definition of the Leadership Corps, it will be seen that the total figure for the membership of that organization, based upon the statistics cited from the basic handbook for Germany, amounts to around 700,000.

It is true that this figure is based upon an admittedly limited view of the size of the membership of the Leadership Corps of the

Nazi Party; for the evidence has shown that the Leadership Corps in effect embraced staff officers attached to the subordinate *Hoheitstraeger*, and inclusion of such staff officers in the estimation of the size of the Leadership Corps would have very considerably enlarged the final figure estimated to a total of 2,000,000. The Prosecution, however, proposes to exclude such subordinate staff officers for the reason that their participation in and responsibility for the Conspiracy were measurably less extensive than those of the staff officers and office holders on the higher levels of the Leadership Corps. The subordinate staff officers thus excluded were responsible functionally to the higher staff officers with respect to their particular specialty, such as propaganda, Party organization, and so on, and to their respective *Hoheitstraeger* with respect to discipline and policy control. Likewise, such higher staff officers participated in planning and policy discussions, and also issued orders through technical channels to lower staff officers.

B. Participation of the Leadership Corps in the Conspiracy.

The Program of the Nazi Party, proclaimed by Hitler, the Fuehrer of the Leadership Corps, on 24 February 1920 (1708-PS), contained the chief elements of the Nazi plan for domination and conquest. The first point required the incorporation of all Germans into a Greater German Reich. Point 2 demanded unilateral abolition of the Peace Treaties of Versailles and St. Germain. Point 3 stated the demand for "land and soil" (colonies). Point 4 proclaimed the Nazi doctrines of racial discrimination and anti-Semitism. Point 6 proclaimed the fight against the democratic-parliamentary system, as follows:

"* * * We demand that every public office, of any sort, whatsoever, whether in the Reich, the county or municipality, be filled only by citizens. We combat the corrupting parliamentary economy, office-holding only according to Party inclinations without consideration of character or abilities."
(1708-PS)

Point 22 expressed the Nazi plans and policies for rearmament as follows:

"We demand the abolition of the mercenary troops and formation of a National Army." (1708-PS)

The official Party Program declares on its face that:

"The program is the political foundation of the NSDAP and accordingly the primary political law of the State * * *

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"All legal precepts are to be applied in the spirit of the Party Program.

"Since the taking over of control, the Fuehrer has succeeded in the realization of the essential portions of the Party Program from the fundamentals to the details.

"The Party Program of the NSDAP was proclaimed on 24 February 1920 by Adolf Hitler at the first large Party gathering in Munich and since that day has remained unaltered * * * The National Socialist philosophy is summarized in 25 points." (1708-PS)

As previously stated, the Party Program was binding upon the Political Leaders of the Leadership Corps, and they were under a duty to support and carry out that Program. As the Party Manual puts it:

"The Commandments of the National Socialists:

"The Fuehrer is always right * * *.

"The Program be your dogma.

"It demands your utter devotion to the Movement * * *.

"Right is what serves the Movement and thus Germany.

* * * * *

"* * * Leader Corps is responsible for the complete penetration of the German Nation with the National Socialist spirit * * *." (1893-PS)

The oath of the Political Leader to Hitler has been previously referred to. In connection therewith, the Party Manual provides:

"The Political Leader is inseparably tied to the ideology and the organization of the NSDAP. His oath only ends with his death or with his expulsion from the National Socialist community." (1893-PS)

While the leadership principle assured the binding nature of Hitler's statements, program, and policies upon the entire Party and the Leadership Corps, the leadership principle also established the full responsibility of the individual Political Leader within the province and jurisdiction of his office or position.

The leadership principle applied not only to Hitler as the supreme leader, but also to the Political Leaders under him, and thus permeated the entire Leadership Corps:

"The basis of the Party Organization is the Fuehrer thought * * * All Political Leaders stand as appointed by the Fuehrer and are responsible to him. They possess full authority toward the lower echelons * * *." (1893-PS)

The various *Hoheitstraeger* of the Leadership Corps were, in their respective areas of responsibility, themselves *Fuehrer*:

"Within their sector of sovereignty, the *Hoheitstraeger* (*Gau-leiter, Kreisleiter, Ortsgruppenleiter, Zellenleiter, Block-leiter*) have sovereign political rights * * * They are responsible for the entire political situation within their sector * * *" (1893-PS)

As stated in the *Organization Book of the NSDAP*

"The Party is an order of 'Fuehrer'." (1814-PS)

The subjection of the entire membership of the Leadership Corps to the fiat of the Fuehrer Principle is clearly shown in the following passage from the Party Manual:

"* * * a solid anchorage for all the organizations within the party structure is provided and a firm connection with the sovereign leaders of the NSDAP is created in accordance with the Fuehrer Principle." (1814-PS)

(1) *Domination and Control of the German State and Government by the Nazi Party, directed by the Leadership Corps.* On 23 March 1933 the Reichstag enacted a law conferring power on the Reich Cabinet to legislate on its own authority (2001-PS). Prominent members of the Leadership Corps of the Nazi Party were members of the Reich Cabinet. The presence of *Reichsleiter* and other prominent members of the Leadership Corps in the Cabinet facilitated the domination of the Cabinet by the Nazi Party and the Leadership Corps. For example, a decree of 13 March 1933 established the Ministry of Public Enlightenment and Propaganda. The head of this ministry was Goebbels, who simultaneously was *Reichsleiter* for Propaganda of the NSDAP (2029-PS). Examples of personal union between high officials in the Leadership and Cabinet membership existed in the case of the Food Minister, the Chief of the German Police, the Reich Labor Leader, the Chief of the Party Organization in Foreign Countries, and the Reich Youth Fuehrer (2473-PS). Moreover, the majority of the Reich Ministries were occupied by leading old Party Members. All Reich Ministers were accepted by the Party on 30 January 1937 and were decorated with the Golden Party Insignia. (1774-PS)

A law of 14 July 1933 outlawed and forbade the formation of any political parties other than the Nazi Party and made violation of this decree a punishable crime. Thereby the one party State was established and the Leadership Corps was rendered immune from the opposition of organized political groups. This Law Against the Formation of New Political Parties reads as follows:

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"The National Socialist German Workers' Party constitutes the only political party in Germany. Whoever undertakes to maintain the organizational structure of another political party or to form a new political party will be punished with penal servitude up to three years or with imprisonment of from six months to three years, if the deed is not subject to a greater penalty according to other regulations." (1388-PS)

A law was enacted on 20 July 1933 providing for the dismissal of officials who belonged to the Communist Party or who were otherwise active in furthering the aims of Communism. The law also provided for the dismissal of those who were in the future active for Marxism, Communism, or Social Democracy (Law to Supplement the Law for the Restoration of the Professional Civil Service, 20 July 1933, (1933 *Reichsgesetzblatt*, Part I, page 518). (1398-PS)

On 13 October 1933 a "law to guarantee public peace" was enacted which provided, *inter alia*, that the death penalty or other severe punishment should be imposed upon any person who—

"* * * undertakes to kill a member of the SA or the SS, a trustee or agent of the NSDAP * * * out of political motives or on account of their official activity." (1394-PS)

On 1 December 1933 a law was enacted "to secure the unity of Party and State." This law provided that the Nazi Party was the pillar of the German State, and was linked to it indissolubly; it also made the Deputy of the Fuehrer (then Hess) and the Chief of Staff of the SA (then Roehm) members of the Reich Cabinet (1395-PS). The pertinent provisions of this law read as follows:

"After the victory of the National Socialist Revolution, the National Socialistic German Labor Party is the bearer of the concept of the German State and is inseparably the State. It will be a part of the public law. Its organization will be determined by the Fuehrer * * *.

"The Deputy of the Fuehrer and the Chief of Staff of the SA will become members of the Reich Government in order to insure close cooperation of the offices of the Party and SA with the public authorities * * *." (1395-PS)

This law was a basic measure in enthroning the Leadership Corps in a position of supreme political power in Germany. For it laid it down that the Party, directed by the Leadership Corps, was the embodiment of the State and, in fact, was the State. Moreover, this law made both the Fuehrer's Deputy and the Chief of Staff of the SA, which was a Party Formation subject to the call of the *Hoheitsstraeger*, Cabinet Members. Thus, the Leadership

Corps' control of the Cabinet was further solidified. The dominant position of the Leadership Corps is further revealed by the provision that the Reichs-Chancellor would issue the regulations carrying out this law in his capacity as Fuehrer of the Nazi Party. The fact that Hitler, as Fuehrer of the Leadership Corps, could promulgate rules which would have statutory force and be published in the *Reichsgesetzblatt*, the proper compilation for State enactments, is but a further reflection of the reality of the Party's domination of the German State.

In a declaration to the 1935 Party Congress at Nurnberg, Hitler stated:

"It is not the State which gives orders to us, it is we who give orders to the State." (2775-PS)

That categorical statement of the Fuehrer of the Leadership Corps affirms the dominance of Party over State which the evidence makes undeniably clear.

On 30 June 1934 Hitler, as Head of the Nazi Party, directed the massacre of hundreds of SA-men and other political opponents. Hitler sought to justify these mass murders by declaring to the Reichstag that "at that hour I was responsible for the fate of the German nation and supreme judge of the German people." (The evidence relating to these events is discussed in Section 4, *infra*.) On 3 July 1934 the Cabinet issued a decree describing the murders of 30 June 1934, in effect, as legitimate self-defense by the State. By this law the Reich Cabinet made themselves accessories after the fact of these murders. The domination of State by Party, however, makes the Cabinet's characterization of these criminal acts by Hitler and his top Party Leaders as state measures consistent with political reality. The single article of the law of 3 July 1934 reads as follows:

"The measures taken on 30 June and 1 and 2 July 1934 to counteract attempt at treason and high treason shall be considered as national emergency defense." (2057-PS)

On 12 July 1934 there was enacted a law defining the function of the Academy for German law:

"Closely connected with the agencies competent for legislation, it [the Academy] shall further the realization of the National Socialist program in the realm of the law." (1391-PS)

On 30 January 1933, Hitler, the Leader of the Nazi Party and Fuehrer of the Leadership Corps, was appointed Chancellor of the Reich. When President von Hindenburg died in 1934, the

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Fuehrer amalgamated in his person the offices of Chancellor and Reich President. (2003-PS)

By a decree of 20 December 1934 Party uniforms and institutions were granted the same protection as those of the State. This law was entitled "Law Concerning Treacherous Acts Against the State and Party, and for the Protection of Party Uniforms." This law imposed heavy penalties upon any person making false statements injuring the welfare or prestige of the Nazi Party or its agencies. It authorized the imprisonment of persons making or circulating malicious or baiting statements against leading personalities of the Nazi Party. And it provided punishment by forced labor for the unauthorized wearing of Party uniforms or symbols. (1393-PS)

By a law of 15 September 1934, the Swastika flag of the Party was made the official flag of the Reich (2079-PS). This law, enacted by the Reichstag, indicates on its face that it issued from Nurnberg on the Party Day of 15 September 1935. Article 2 of this law reads as follows:

"The Reich and National flag is the swastika flag." (2079-PS) The Swastika was the flag and symbol of the Leadership Corps of the Nazi Party. The law making it the flag of the State constituted a recognition that the Party and its Corps of Political Leaders were the sovereign powers in Germany.

On 23 April 1936, a law was enacted granting amnesty for crimes which the offender had committed "in his eagerness to fight for the National Socialist Ideal." (1386-PS)

In furtherance of the Conspiracy to acquire totalitarian control over the German people, a law was enacted on 1 December 1936, which incorporated the entire German youth within the Hitler Youth, thereby achieving a "total mobilization of German youth" (1392-PS). The law further provided that the task of educating the German youth through the Hitler Youth was entrusted to the *Reichsleiter* of German Youth in the NSDAP. By this law a monopoly control over the entire German youth was placed in the hands of a top official, a *Reichsleiter*, of the Leadership Corps of the Nazi Party, the defendant von Schirach.

On 4 February 1938, the Fuehrer of the Leadership Corps of the NSDAP, Hitler, issued a decree in which he took over directly the command of the whole Armed Forces (1915-PS). In this decree, Hitler declared, in part, as follows:

"From now on, I take over directly the command of the whole Armed Forces." (1915-PS)

By the decree of 4 February 1938, Hitler became Supreme Com-

mander of the Armed Forces. He was, at the time of its issuance, Fuehrer of the Leadership Corps of the Nazi Party. By virtue of the earlier law of 1 August 1934, he combined the office of Reich President with that of the Chancellorship. In the final result, therefore, Hitler was Supreme Commander of the Armed Forces, Head of the German State, and Fuehrer of the Nazi Party.

With respect to the foregoing point, the Party Manual (1893-PS) states as follows:

"* * * the Fuehrer created the National Socialist German Workers' Party. He filled it with his spirit and his will and with it he conquered the power of the State on 30 January 1933. The Fuehrer's will is supreme in the Party.

"By authority of the law about the Chief of State of the German Reich, dated 1 August 1934, the office of the Reich President has been combined with that of the Reich Chancellery. Consequently, the powers heretofore possessed by the Reich President were transferred to the Fuehrer, Adolf Hitler. Through this law, the conduct of Party and State has been combined in one hand. By desire of the Fuehrer, a plebiscite was conducted on this law on 19 August 1934. On this day, the German people chose Adolf Hitler to be their sole leader. He is responsible only to his conscience and to the German nation." (1893-PS)

A decree of 16 January 1942 provided that the Party should participate in legislation, official appointments, and promotions (2100-PS). The decree further provided that such participation should be undertaken exclusively by Bormann, Chief of the Party Chancellery and a *Reichsleiter* of the Leadership Corps of the Nazi Party. The decree provided that the Chief of the Party Chancellery was to take part in the preparation of all laws and decrees issued by Reich authorities, including those issued by the Ministerial Council for Defense of the Reich, and to give his assent to those of the Laender and the Reich governors; all communications between State and Party authorities, unless within one *Gau* only, were to pass through his hands. This decree is of crucial importance in demonstrating the ultimate control and responsibility imputable to the Leadership Corps for governmental policy and actions taken in furtherance of the conspiracy. (2100-PS)

On or about 26 April 1942, Hitler declared in a speech that, in his capacity as Leader of the Nation, Supreme Commander of the Armed Forces, Supreme Head of the Government, and as Fuehrer of the Party, his right must be recognized to compel with all means at his disposal, every German, whether soldier, judge, State

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official, or party official, to fulfill his desire. He demanded that the Reichstag officially recognize this asserted right. On 26 April 1942, the German Reichstag issued a decision in which full recognition was given to the rights which the Fuehrer had asserted (1961-PS). The Reichstag decreed as follows:

"At the proposal of the President of the Reichstag, on its session of 26 April 1942, the greater German Reichstag has approved of the rights which the Fuehrer has postulated in his speech with the following decision:

"There can be no doubt, that in the present war, in which the German people is faced with a struggle for its existence or annihilation, the Fuehrer must have all the rights postulated by him which serve to further or achieve victory. Therefore—without being bound by existing legal regulations—in his capacity as Leader of the Nation, Supreme Commander of the Armed Forces, Governmental Chief and Supreme Executive Chief, as Supreme Justice and Leader of the Party—the Fuehrer must be in a position to force with all means at his disposal every German, if necessary, whether he be common soldier or officer, low or high official or judge, leading or subordinate official of the Party, worker or employee—to fulfill his duties. In case of violation of these duties, the Fuehrer is entitled, after conscientious examination, regardless of so-called well-deserved rights, to mete out due punishment and to remove the offender from his post, rank and position without introducing prescribed procedures.

"At the order of the Fuehrer, this decision is hereby made public. Berlin, 26 April 1942." (1961-PS)

Hitler himself perhaps best summarized the political realities of his Germany, in showing the domination of the German State and Government by the Leadership Corps and its following. The core of the matter was stated by Hitler in his speech to the Reichstag on 20 February 1938, when he declared in effect that every institution in Germany was under the direction of the Leadership Corps of the Nazi Party:

"National Socialism has given the German people that leadership which as Party not only mobilizes the nation but also organizes it, so that on the basis of the natural principle of selection, the continuance of a stable political leadership is safeguarded forever * * * National Socialism * * * possesses Germany entirely and completely since the day when, five years ago, I left the house in Wilhelmsplatz as Reich Chancellor. There is no institution in this state which

is not National Socialist. Above all, however, the National Socialist Party in these five years not only has made the nation National Socialist, but also has given itself that perfect organizational structure which guarantees its permanence for all future. The greatest guarantee of the National Socialist revolution lies in the complete domination of the Reich and all its institutions and organizations, internally and externally by the National Socialist Party. Its protection against the world abroad, however, lies in its new National Socialist armed forces. * * * In this Reich, anybody who has a responsible position is a National Socialist * * * Every institution of this Reich is under the orders of the supreme political leadership * * * The Party leads the Reich politically, the armed forces defend it militarily * * * There is nobody in any responsible position in this state who doubts that I am the authorized leader of this Reich." (2715-PS)

The supreme power which the Leadership Corps exercised over the German State and Government is sharply pointed up by an article published in the February 1939 issue of the authoritative magazine, "*Der Hoheitsträger*". In this article, addressed to all *Hoheitstraeger*, the Leadership Corps is reminded that it has conquered the State and that it possesses absolute and total power in Germany. The article is significantly entitled, "Fight and Order—Not Peace and Order." It trumpets forth, in the accents of Caesarism, the battle call of the Leadership Corps of German life:

"Fight? Why do you always talk of fighting? You have conquered the State, and if something does not please you, then just make a law and regulate it differently? Why must you always talk of fighting? For you have every power! Over what do you fight? Outer-politically? You have the Wehrmacht—it will wage the fight if it is required. Inner-politically? You have the law and the police which can change everything which does not agree with you." (3230-PS)

In view of the domination of the German State and Government by the Nazi Party and the Leadership Corps thereof, as established by the foregoing evidence, the Leadership Corps is responsible for the measures, including legislative enactments, taken by the German State and Government in furtherance of the Conspiracy formulated and carried out by the co-conspirators and the organizations charged with criminality.

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For example, as revealed by the above evidence, Point 4 of the original Party Program declared that a Jew was not a member of the German race and, therefore, was not entitled to citizenship. This premise was incorporated into the law of the Third Reich by numerous anti-Semitic and discriminatory laws. Consequently, it is submitted that, by virtue of their control over the German State and Government, the Nazi Party and the Leadership Corps share responsibility for, among other enactments and measures furthering the Conspiracy, discriminatory laws against the Jews.

(2) *Overt Acts and Crimes of the Leadership Corps.* The membership of the Leadership Corps of the Nazi Party actively participated in measures designed to further the progress of the Conspiracy. The evidence will show that the participation by the Leadership Corps in the Conspiracy embraces such measures as anti-Semitic activities, war crimes committed against members of the Allied forces, the forced labor program, measures to subvert and undermine the Christian religion and persecute the Christian clergy, the plundering and spoliation of cultural and other property in German-occupied territories of Europe, and plans and measures leading to the initiation and prosecution of aggressive war.

(a) *Crimes against Jews.* The *Gauleiter* and *Kreisleiter* participated in what were disingenuously described by the Nazis as the "spontaneous uprising of the people" against the Jews throughout Germany on 9 and 10 November 1938 in connection with the assassination of an official of the German Embassy in Paris on 7 November. (The evidence relating to these programs is discussed in Chapter XI on the concentration camps, and Chapter XII on the persecution of the Jews.) It will be recalled that in the teletyped directive from SS-Gruppenfuehrer Heydrich, issued on 10 November 1938, to all police headquarters and SD districts, all chiefs of the State Police were ordered to arrange with the political leaders in the *Gaue* and *Kreise* the organization of the so-called spontaneous demonstrations against the Jews (3051-PS). Pursuant to this directive, a large number of Jewish shops and businesses were pillaged and wrecked, synagogues were set on fire, individual Jews were beaten up, and large numbers were taken off to concentration camps. These events forcefully illustrate the employment and participation of all the *Kreisleiter* and *Gauleiter* in illegal measures designed to further the anti-

Semitic program, which was an original and continuing objective of the Leadership Corps.

(b) *Crimes against Allied Airmen.* The members of the Leadership Corps of the Nazi Party participated in the murder, beating, and ill-treatment of American airmen who landed in German or German-controlled territory. American airmen who bailed out of disabled planes over Germany were not treated as prisoners of war, but were beaten and murdered by German civilians with the active condonance, indeed at the instigation of the Leadership Corps. Such a course of conduct by the Leadership Corps represented a deliberate violation by the German Government of its obligations, under the Geneva Prisoners of War Convention, to protect prisoners of war against acts of violence and ill-treatment.

Heinrich Himmler was a *Reichsleiter* of the Nazi Party and thus a top official in the Leadership Corps by virtue of his positions as Reichsfuehrer of the SS and Delegate for German Folkdom (2473-PS; Chart No. 1). An order signed by Himmler (R-110), dated 10 August 1943, reads as follows:

"It is not the task of the police to interfere in clashes between Germans and English and American terror fliers who have bailed out." (R-110)

This order was transmitted in writing to all senior executive SS and police officers, and orally to their subordinate officers and to all *Gauleiter*.

Joseph Goebbels was a top-flight official in the Leadership Corps of the Nazi Party by virtue of his position as Propaganda Leader of the Party (2473-PS; Chart No. 1). In the issue of the *Voelkischer Beobachter* for 26/29 May 1944, there appeared an article written by Goebbels, the *Reichsleiter* for Party Propaganda, in which he openly invited the German civil population to murder Allied fliers shot down over Germany (1676-PS). After alleging that Anglo-American pilots have engaged in machine gun attacks against civilians, Goebbels continues:

"It is only possible with the aid of arms to secure the lives of enemy pilots who were shot down during such attacks, for they would otherwise be killed by the sorely tried population. Who is right here? The murderers who, after their cowardly misdeeds, await a humane treatment on the part of their victims, or the victims who wish to defend themselves according to the principle: 'An eye for an eye, a tooth for a tooth'? This question is not hard to answer." (1676-PS)

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Reichsleiter Goebbels then proceeds to answer his question in the following language:

"It seems to us hardly possible and tolerable to use German police and soldiers against the German people when it treats murderers of children as they deserve." (1676-PS)

On 30 May 1944, Bormann, *Reichsleiter* and Chief of the Party Chancellery, issued a circular letter on the subject which furnishes indisputable proof that British and American fliers who were shot down were lynched by the German population (057-PS). After alleging that in recent weeks English and American fliers had repeatedly shot children, women, peasants, and vehicles on the highway, Bormann then states:

"Several instances have occurred where members of the crews of such aircraft, who have bailed out or who have made forced landings, were lynched on the spot immediately after capture by the populace, which was incensed to the highest degree. No police measures or criminal proceedings were invoked against the German civilians who participated in these incidents." (057-PS)

This letter of Bormann was distributed through the chain of command of the Leadership Corps of the Nazi Party. Express mention on the distribution list is made of *Reichsleiter*, *Gauleiter*, *Kreisleiter*, and leaders of the incorporated and affiliated organizations of the Party. Bormann requested that the local group leaders (*Ortsgruppenleiter*) be informed of the contents of his circular letter only by oral means. (057-PS)

The effect of *Reichsleiter* Bormann's circular letter may be seen in an order dated 25 February 1945 (L-154). This is an order from Albert Hoffman, an important member of the Leadership Corps by virtue of his position as *Gauleiter* and National Defense Commissioner of the *Gau* Westfalen-South, and it is addressed to all County Councillors, mayors, and police officials, and to county leaders and county staff chiefs of the *Volkssturm*. The order reads as follows:

"Fighter bomber pilots who are shot down are not to be protected against the fury of the people. I expect from all police officers that they will refuse to lend their protection to these gangster types. Authorities acting in contradiction to the popular sentiment will have to account to me. All police and gendarmerie officials are to be informed immediately of this, my attitude." (L-154)

The obligations of belligerents towards prisoners of war are clearly set forth in the Geneva Prisoners of War Convention of

27 July 1929, which was ratified by both Germany and the United States. Article Two of the Convention provides as follows:

"Prisoners of war are in the power of the hostile power, but not of the individuals or corps who have captured them.

"They must at all times be humanely treated and protected, particularly against acts of violence, insults and public curiosity.

"Measures of reprisal against them are prohibited." (3738-PS)

The Geneva Prisoners of War Convention clearly imposes upon its signatories the strict obligation to protect prisoners of war from violence. The evidence just discussed shows that the German State flagrantly violated its obligations under that Convention to protect captured airmen who were shot down in German hands. The evidence also proves that the entire hierarchy of the Leadership Corps of the Nazi Party participated in the conspiracy to incite the German civil population to murder Allied airmen and also ordered police and Party officials to take no steps to secure the safety of these airmen.

(c) *Crimes against Foreign Labor and Civilians in Occupied Areas.* Alfred Rosenberg and Robert Ley were both *Reichsleiter* of the NSDAP. (2473-PS)

An agreement was concluded between the Reich Minister for the Occupied Eastern Territories, *Reichsleiter* Rosenberg, and the Director of the German Labor Front, *Reichsorganisationleiter* Ley, relating to the inspection and care of foreign workers. This agreement was based on an earlier agreement of 2 June 1943 between the Deputy General for the *Arbeitseinsatz*, *Gauleiter* Fritz Sauckel, and the Leader of the German Labor Front, *Reichsleiter* for the Party Organization, Dr. Ley, concerning a "central inspection for the care of foreign workers" (1913-PS). The purpose of the two agreements was to coordinate activities of the organizations concerned with respect to the administration of plants and camps in which foreign workers were employed. (1914-PS)

On 17 October 1944, *Reichsleiter* Rosenberg sent a letter to *Reichsleiter* Bormann, Chief of the Party Chancery, informing the latter that he had sent a telegram to *Gauleiter* urging them not to interfere in the liquidation of certain listed companies and banks under his supervision. Rosenberg emphasized to Bormann that any "delay of liquidation or * * * independent confiscation of the property by the *Gauleiter* would impair or destroy

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an organized plan" for the liquidation of a vast amount of property. (327-PS)

On 7 November 1943, the Chief of the General Staff of the Armed Forces delivered a lecture at Munich to the *Reichsleiter* and *Gauleiter*. The Chief of Staff stated that his object was to give a review of the strategic position at the outset of the fifth year of war. He stated his realization that the Political Leaders in the Reich and Gau areas, in view of their burdensome tasks in supporting the German War Effort, were in need of information he could give. He stated, in part, as follows:

"*Reichsleiter* Bormann has requested me to give you a review today of the strategic position in the beginning of the fifth year of war.

"No one—the Fuehrer has ordered—may know more or be told more than he needs for his immediate task, but I have no doubt at all in my mind, gentlemen, but that you need a great deal in order to be able to cope with your tasks. It is in your *Gau*, after all * * * that all the enemy propaganda, and the malicious rumors concentrate that try to find themselves a place among our people * * *. Against this wave of enemy propaganda and cowardice you need to know the true situation, and, for this reason, I believe that I am justified in giving you a perfectly open and uncovered account of the state of affairs * * *."

(L-172)

Reichsleiter Bormann distributed to all *Reichsleiter*, *Gauleiter*, and leaders of Party affiliated organizations, by an undated letter of transmittal, and order of the Supreme Command of the *Wehrmacht* relating to self-defense by German guard personnel and German contractors and workers against prisoners of war (656-PS). The order of the *Wehrmacht* states that the question of treatment of prisoners of war is continually being discussed by *Wehrmacht* and Party bureaus. The order states that should prisoners of war refuse to obey orders to work, the guard has "in the case of the most pressing need and danger, the right to force obedience with the weapon if he has no other means. He can use the weapon as much as is necessary to attain his goal * * *." (656-PS)

On 18 April 1944, Reich Commissar Lohse, Reich Minister for the Occupied Eastern Territories, in a letter to Reich Youth Leader Axmann, proposed that the Hitler Youth participate in and supervise the military education of the Estonian and Latvian youth (347-PS). Lohse stated in this letter that "in the military education camps, the young Latvians are trained under Latvian

leaders in the Latvian language not because this is our ideal, but because absolute military necessity demands this." Lohse further stated:

"* * * in contrast to the Germanic peoples of the West, military education is no longer to be carried out through voluntary enlistments but through *legal conscription*. The camps in Estonia and Latvia * * * will have to be under German Leadership and, as military education camps of the Hitler Youth, they must be a symbol of our educational mission beyond Germany's borders * * * I consider the execution of the military education of the Estonian and Latvian youth not only a military necessity, but also a war mission of the Hitler Youth especially. I would be thankful to you, Party member Axmann, if the Hitler Youth would put itself at our disposal with the same readiness with which they have so far supported our work in the Baltic area." (347-PS)

The *Reichsfuehrer* of the SS, as shown earlier, was a *Reichsleiter* of the NSDAP (2473-PS). An order of the Reich Minister of the Interior, Frick, dated 22 October 1938, provided as follows:

"The Reichsfuehrer SS and the Chief of the German Police * * * can take the administrative measures necessary for the maintenance of security and order, even beyond the legal limits otherwise set on such measures." (1438-PS)

This order related to the administration of the Sudeten-German territory.

In a letter dated 23 June 1943 (407-VI-PS) *Gauleiter* and Plenipotentiary for the Direction of Labor, Fritz Sauckel, wrote to Hitler advising him of the success of the forced labor program as of that date. Sauckel stated:

"You can be assured that the District of Thuringen [*Gau*] and I will serve you and our dear people with the employment of all strength * * *." (407-VI-PS)

On 1 September 1939, Hitler wrote a memorandum stating:

"*Reichsleiter* Bouhler and Dr. Brandt, M.D., are charged with the responsibility of enlarging the authority of certain physicians to be designated by name in such a manner that persons who, according to human judgment, are incurable can, upon a most careful diagnosis of their condition of sickness, be accorded a mercy death.

"(Signed) A. Hitler." (630-PS)

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A handwritten note on the face of the document states:

"Given to me by Bouhler on 27 August 1940, [signed]
Dr. Guertner." (630-PS)

In a memorandum recording an agreement between himself and Himmler, the Minister of Justice Thierack stated that, on the suggestion of *Reichsleiter* Bormann, an agreement had been reached between Himmler and himself with respect to "special treatment at the hands of the police in cases where judicial sentences are not severe enough" (654-PS). The agreement related that:

"The Reich Minister for Justice will decide whether and when special treatment at the hands of the police is to be applied. The Reich Fuehrer of SS will send the reports, which he sent hitherto to Reichsleiter Bormann, to the Reich Minister for Justice." (654-PS)

If the views of the Reich Fuehrer of SS and the Reich Minister for Justice disagreed,

"the opinion of Reichsleiter Bormann will be brought to bear on the case, and he will possibly inform the Fuehrer
* * *

* * * * *

"The delivery of antisocial elements from execution of their sentence to the Reich Fuehrer of SS to be worked to death. Persons under protective arrest, Jews, Gypsies, Russians and Ukrainians, Poles with more than 3-year sentences, Czechs and Germans with more than 8-year sentences, according to the decision of the Reich Minister of Justice. First of all the worst antisocial elements amongst those just mentioned are to be handed over. I shall inform the Fuehrer of this through Reichsleiter Bormann." (654-PS)

With respect to the "administration of justice by the people," the memorandum states:

"This is to be carried out step by step as soon as possible
* * * I shall rouse the Party particularly to cooperate in this scheme by an article in the *Hoheitstrager* [NSDAP publication] * * *." (654-PS)

At a meeting of the NSDAP in Kiev, the theory of the master race as the basis of German administrative policy in the East was expressed by Koch, Reich Commissioner for the Ukraine:

"We are the master race * * * I will squeeze the last drop out of the country . . . the people must work, work and work. We are a master race * * * the lowest German

worker is racially and biologically a thousand times more valuable than the people here." (1130-PS)

A letter from RSHA (Reich Security Main Office) to police chiefs, dated 5 November 1942, recites an agreement between the Reich Fuehrer SS and the Reich Minister of Justice, approved by Hitler, providing that ordinary criminal procedure was no longer to be applied to Poles and members of the Eastern populations (L-316). The agreement provided that such people, including Jews and Gypsies, should henceforth be turned over to the police. The principles applicable to a determination of the punishment of German offenders, including appraisal of the motives of the offender, were not to be applied to foreign offenders. The letter stated:

"* * * the offense committed by a person of foreign extraction is not to be regarded from the view of legal retribution by way of justice, but from the point of view of preventing dangers through police action. From this it follows that the criminal procedure against persons of foreign extraction must be transferred from Justice to the Police. The preceding statements serve for personal information. There are no objections if the *Gauleiter* are informed in the usual form should the need arise * * *." (L-316)

With respect to the evacuation, deportation, and Germanization of the civilian population of the incorporated eastern territories, Reichsfuehrer SS Himmler, in his capacity as Reich Commissioner for the Consolidation of German Nationhood, issued several decrees requiring the deportation to Germany of all Germans from such territories who had renounced their nationality during the existence of the Polish State (R-112). These decrees directed that persons affected by the provisions thereof who failed to comply were to be sent to concentration camps. After deportation to Germany, such persons were to be closely supervised by NSDAP "Counsellors" and secret police to insure their Germanization. Certain of the decrees directing such deportation are addressed, *inter alia*, to the "*Gauleiter*" and the "Reich Governors in the Reich *Gaue*." (R-112)

In a conference with *Reichsleiter* Rosenberg, Hitler emphasized that he "wished to have the Crimea cleaned out," and Rosenberg stated that he had given much consideration to renaming the towns in the Crimea in order to invest the area with a German character. (1517-PS)

In a speech to a gathering of persons intimately concerned with the Eastern problem on 20 June 1941, *Reichsleiter* Rosenberg

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stated that the southern Russian territories and the northern Caucasus would have to provide food for the German people:

"We see absolutely no obligation on our part to feed also the Russian people with the products of that surplus territory. We know that this is a harsh necessity, bare of any feelings
* * *." (1058-PS)

Rosenberg stated that, as a consequence of the above policy, extensive evacuations of Russians from that Area would have to take place. (1058-PS)

Gauleiter Wagner of the German-occupied Areas of Alsace prepared plans and took measures leading to the expulsion and deportation of certain groups within the Alsatian civil population. His plans called for the forcible expulsion of certain categories of so-called undesirable persons, as a means of punishment and compulsory Germanization. The *Gauleiter* supervised deportation measures in Alsace from July to December 1940, in the course of which 105,000 persons were either expelled or prevented from returning. A memorandum, dated 4 August 1942, of a meeting of high SS and police officials, convened to receive the reports and plans of the *Gauleiter* relating to the Alsatian evacuations, states that the persons deported were mainly—

"Jews, Gypsies and other foreign racial elements, criminals, asocial and incurably insane persons, as well as Frenchmen and Francophiles." (R-114)

According to the memorandum, the *Gauleiter* stated that the Fuehrer had given him permission "to cleanse Alsace of all foreign, sick, or unreliable elements," and emphasized the political necessity of further deportation. The memorandum further records that the SS and police officials present at the above conference approved the *Gauleiter's* proposals for further evacuation. (R-114)

A second memorandum, dated 17 August 1942, relating to a conference called by SS-Guppenfuehrer Kaul, held at the *Gauleiter* office at Karlsruhe for the purpose of considering the deportation of Alsatians into Germany, states that the *Gauleiter* had reported to the Fuehrer with respect to the proposed evacuation of Alsatians. It is further stated that the Fuehrer verbally declared that "asocial and criminal persons" were to be expelled. The *Gauleiter* stated at the above conference that the action leading to such evacuation had already begun. The *Gauleiter* further declared that he intended to offset the loss of population as far as possible by transplantation of people from Baden, "thus creating a uniform race mixture." (R-114)

A memorandum by *Reichsleiter* Bormann of a conference called by Hitler at his headquarters on 16 July 1941 (L-221), states, in part, as follows with respect to the maintenance of order in the occupied Eastern areas:

"The Crimea has to be evacuated by all foreigners and to be settled by Germans only * * * We have now to face the task of cutting up the giant cake according to our needs in order to be able first, to dominate it, second, to administer it, and third, to exploit it. The Russians have now ordered partisan warfare behind our front. This partisan war * * * has some advantage for us; it enables us to eradicate everyone who opposes us. * * * Our iron principle is and has to remain: we must never permit anybody but the Germans to carry arms * * *." (L-221)

According to the above memorandum, the foregoing conference was attended by *Reichsleiter* Rosenberg, Reich Minister Lammer, Field Marshal Keitel, Reich Marshal Goering, and Bormann, and lasted about 20 hours. The memorandum states that discussion occurred with respect to the annexation by Germany of various parts of conquered Europe. The memorandum also states that a long discussion took place with respect to the qualifications of *Gauleiter* Lohse, who was proposed by Rosenberg at the conference as governor of the Baltic country. Discussion also occurred with respect to the qualifications of other *Gauleiter* and commissioners for the administration of various areas of occupied Russia. Goering stated that he intended to appoint *Gauleiter* Terboven for the "exploitation of the Kola Peninsula; the Fuehrer agrees." With respect to the security of the German administration in the eastern areas, the memorandum states:

"This giant area would have to be pacified as quickly as possible; the best solution was to shoot anybody who looked sideways * * * Field Marshal Keitel emphasizes the inhabitants themselves ought to be made responsible for their things because it was, of course, impossible to put a sentry in front of every shed or railway station. The inhabitants had to understand that anybody who did not perform their duties properly would be shot, and that they would be held responsible for each offense." (L-221)

(d) *Subversion of Christian Church and Persecution of the Clergy.* The evidence relating to the systematic effort of the conspirators to eliminate the Christian churches in Germany is discussed in Section 6 of Chapter VII. The evidence hereinafter taken up is limited to proving the responsibility of the Leadership

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Corps and its members for participation in illegal activities against the Christian church and clergy.

Bormann, who was a *Reichsleiter* and Chief of the Nazi Party Chancellery, issued a secret decree addressed to all *Gauleiter*, entitled "Relationship of National Socialism and Christianity" (D-75). In this decree *Reichsleiter* Bormann flatly declared that National Socialism and Christianity are incompatible and that the influence of the churches in Germany must be eliminated:

"National Socialist and Christian concepts are irreconcilable.

* * * Our National Socialist ideology is far loftier than the concepts of Christianity, which, in their essential points, have been taken over from Jewry. For this reason also, we do not need Christianity. * * * If, therefore, in the future our youth learns nothing more of this Christianity, whose doctrines are far below ours, Christianity will disappear by itself. * * * It follows from the irreconcilability of National Socialist and Christian concepts that a strengthening of existing confessions and every demand of originating Christian confessions is to be rejected by us. A differentiation between the various Christian confessions is not to be made here. For this reason, also, the thought of an erection of an Evangelical National Church by merger of the various Evangelical churches has been definitely given up, because the Evangelical Church is just as inimicable to us as the Catholic Church. Any strengthening of the Evangelical Church would merely react against us. * * *

"For the first time in German history, the Fuehrer consciously and completely has the leadership of the people in his own hand. With the Party, its components, and attached units, the Fuehrer has created for himself, and thereby the German Reich leadership, an instrument which makes him independent of the Church. All influences which might impair or damage the leadership of the people exercised by the Fuehrer, with the help of the NSDAP, must be eliminated. More and more the people must be separated from the churches and their organs, the pastors. Of course, the churches must and will, seen from their viewpoint, defend themselves against this loss of power. But never again must an influence on leadership of the people be yielded to the churches. This influence must be broken completely and finally.

"Only the Reich Government and, by its direction, the Party, its components and attached units have a right to leadership

of the people. Just as the deleterious influences of astrologers, seers and other fakers are eliminated and suppressed by the State, so must the possibility of Church influence also be totally removed. Not until this has happened, does the State leadership have influence on the individual citizens. Not until then are people and Reich secure in their existence for all the future." (D-75)

On 25 April 1941 a letter was issued from Bormann's office to Rosenberg, in his capacity as the Fuehrer's Representative for the Supervision of the Entire Mental and Ideological Training and Education of the NSDAP (070-PS). In this letter Bormann's office stated that measures had been taken leading to the progressive cancelation of morning prayers and other religious services and their substitution by Nazi mottos and slogans:

"We are inducing schools more and more to reduce and abolish religious morning services. Similarly the confessional and general prayers in several parts of the Reich have already been replaced by national socialist mottos. I would be grateful to know your opinion on a future national socialist morning service instead of the present confessional morning services which are usually conducted once per week * * *." (070-PS)

In a letter from *Reichsleiter* Bormann to *Reichsleiter* Rosenberg, dated 22 February 1940, Bormann declared to Rosenberg that the Christian religion and National Socialism are incompatible (098-PS). Bormann cited, as examples of hostile divergence between Naziism and the churches, the attitude of the latter on the racial question, celibacy of the priests, monasteries and nunneries, etc. Bormann further declared that the churches could not be subjugated through compromise, but only through a new philosophy of life as prophesied in Rosenberg's writings. In this letter, Bormann proposed the creation of a National Socialist Catechism, in order to give that part of the German youth which declines to practice confessional religion, a moral foundation, and to lay a moral basis for National Socialist doctrines, which were gradually to supplant the Christian religions. Bormann suggested that some of the Ten Commandments could be merged with the National Socialist Catechism and stated that a few new Commandments should be added, such as: Thou shalt be courageous; Thou shalt not be cowardly; Thou shalt believe in God's presence in the living nature, animals, and plants; Thou shalt keep thy blood pure; etc. Deputy of the Fuehrer Bormann concluded that he considered the problem so important that it should be dis-

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cussed with the members of the Reich Directorate, comprising the top leaders of the Leadership Corps of the Nazi Party, as soon as possible. (098-PS)

At one point in this letter, Bormann stated:

"Christianity and National Socialism are phenomena which originated from entirely different basic causes. Both differ fundamentally so strongly, that it will not be possible to construct a Christian teaching which would be completely compatible with the point of view of the National Socialist ideology; just as the communications of Christian faith would never be able to stand by the ideology of National Socialism in its entirety * * *." (098-PS)

After discussing various proposals for the formulation of a Nazi religious credo for instruction in the German school system, Bormann stated:

"The Fuehrer's deputy finds it necessary that all these questions should be thoroughly discussed in the near future in the presence of the Reich Leaders [*Reichsleiter*] who are especially effected by them * * *." (098-PS)

In a circular letter, dated 17 June 1938, addressed by Bormann as *Reichsleiter* and Deputy of the Fuehrer to all *Reichsleiter* and *Gauleiter*, there was enclosed a copy of rules prepared by *Reichsleiter* Hierl, setting forth certain restrictive regulations with respect to participation of the Reich Labor Service in religious celebrations (107-PS). Pertinent portions of the directives issued by *Reichsleiter* Hierl read as follows:

"The Reich Labor Service is a training school in which the German youth should be educated to national unity in the spirit of National Socialism * * *.

"What religious beliefs a person has is not a decisive factor, but it is decisive that he first of all feels himself a German.

"Every religious practice is forbidden in the Reich Labor Service because it disturbs the comradelike harmony of all working men and women.

"On this basis, every participation of the Reich Labor Service in churchly, that is religious, arrangements and celebrations is not possible." (107-PS)

The position of Bormann as Deputy of the Fuehrer and chief of the Nazi Party Chancellery, and the position of Rosenberg as the Fuehrer's Representative for the Whole Spiritual and Philosophical Education of the Nazi Party, give to the foregoing views on religion and religious policy the highest official backing. The anti-Christian utterances and policies of these two conspirator-

defendants reveal a community of mind and intention amongst the most powerful leaders of the party which was amply confirmed by the actual treatment of the churches since 1933 and throughout the course of the conspiracy. An excerpt from page 514 of "The Myth of the 20th Century," written by Rosenberg, reads as follows:

"The idea of honor—national honor—is for us the beginning and the end of our entire thinking and doing. It does not admit of any equal-valued center of force along side of it, no matter of what kind, neither Christian love, nor the Free-Masonic humanity, nor the Roman philosophy." (2349-PS)

In addition to promoting beliefs and practices fundamentally incompatible with Christianity, the Leadership Corps participated in the persecution of priests, clergy, and members of religious orders. A Gestapo telegram, dated 24 July 1938, dispatched from Berlin to Nurnberg, deals with demonstrations and acts of violence against Bishop Sproll in Rottenburg (848-PS). The Gestapo office in Berlin wired its Nurnberg office the following teletype account received from its Stuttgart office of disorderly conduct and vandalism carried out by Nazi Party members against Bishop Sproll:

"The Party on 23 July 1939 from 2100 on carried out the third demonstration against Bishop Sproll. Participants, about 2500-3000, were brought in from outside by bus, etc. The Rottenburg populace again did not participate in the demonstration. This town took rather hostile attitude toward the demonstrations. The action got completely out of hand of the Party member responsible for it. The demonstrators stormed the palace, beat in the gates and doors. About 150 to 200 people forced their way into the palace, searched through the rooms, threw files out of the windows and rummaged through the beds in the rooms of the palace. One bed was ignited * * * The Bishop was with Archbishop Groeber of Freiburg and the ladies and gentlemen of his menage in the chapel at prayer. About 25 to 30 people pressed into this chapel and molested those present. Bishop Groeber was taken for Bishop Sproll. He was grabbed by the robe and dragged back and forth * * *." (848-PS)

The Gestapo official in Stuttgart added that Bishop Groeber desired "to turn to the Fuehrer and Reich Minister of the Interior, Dr. Frick, anew"; and that he had found a full report of the demonstration after "suppressing counter mass meetings." (848-PS)

On 23 July 1938 the Reich Minister for Church Affairs, Kerl,

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sent a letter to the Minister of State and Chief of the Praesidium Chancellery, Berlin, stating that Bishop Sproll had angered the population by abstaining from the plebiscite of 10 April (849-PS). In this letter Kerrl stated that the *Gauleiter* and Governor of Wuerttemberg had decided that, in the interest of preserving the State's authority and in the interest of quiet and order, Bishop Sproll could no longer remain in office. The letter reads in part as follows:

"* * * The Reich Governor had explained to the Ecclesiastical Board that he would no longer regard Bishop Sproll as Head of the Diocese of Rottenburg on account of his refraining from the election in the office and that he desired Bishop Sproll to leave the Gau area * * * because he could assume no guarantee for his personal safety; that in the case of the return of the Bishop of Rottenburg he would see to it that all personal and official intercourse with him on the part of State offices as well as Party offices and the Armed Forces would be denied." (849-PS)

Kerrl further stated in the foregoing letter that his Deputy had moved the Foreign Office, through the German Embassy at the Vatican, to urge the Holy See to persuade Bishop Sproll to resign his Bishopric. Kerrl concluded by stating that should the effort to procure the Bishop's resignation prove unsuccessful

"* * * the Bishop would have to be exiled from the land or there would have to be a complete boycott of the Bishop by the authorities * * *." (849-PS)

On 14 July 1939 Bormann, in his capacity as Deputy of the Fuehrer, issued a party regulation which required party members entering the clergy or undertaking the study of theology to leave the party (840-PS). The last paragraph of the regulation reads as follows:

"I decree that in the future party members who enter the clergy or who turn to the study of theology have to leave the party." (840-PS)

In this directive Bormann also referred to an earlier decree, dated 9 February 1937, in which he had ruled that the admission of members to the clergy into the party was to be avoided. In that decree also Bormann referred with approval to a regulation of the Reich Treasurer of the NSDAP, dated 10 May 1939, providing that—

"clergymen, as well as other fellow Germans, who are also closely connected with the church, cannot be admitted into the party." (840-PS)

In the Allocution of His Holiness, Pope Pius XII, to the Sacred

College on 2 June 1945, His Holiness, after declaring that he had acquired an appreciation of the great qualities of the German people in the course of 12 years of residence in their midst, expressed the hope that Germany could rise to new dignity and new life once it had laid the satanic specter raised by National Socialism, and after the guilty had expiated the crimes they have committed (3268-PS). After referring to repeated violations by the German government of the Concordat concluded in 1933, His Holiness declared:

"The struggle against the Church did, in fact, become ever more bitter: there was the dissolution of Catholic organizations; the gradual suppression of the flourishing Catholic schools, both public and private; the enforced weaning of youth from family and Church; the pressure brought to bear on the conscience of citizens, and especially of civil servants; the systematic defamation, by means of a clever, closely-organized propaganda, of the Church, the clergy, the faithful, the Church's institutions, teachings and history; the closing, dissolution, confiscation of religious houses and other ecclesiastical institutions; the complete suppression of the Catholic press and publishing houses * * *.

"In the meantime the Holy See itself multiplied its representations and protests to governing authorities in Germany, reminding them, in clear and energetic language, of their duty to respect and fulfill the obligations of the natural law itself that were confirmed by the Concordat. In those critical years, joining the alert vigilance of a Pastor to the long-suffering patience of a father, Our great Predecessor Pius XI fulfilled his mission as Supreme Pontiff with intrepid courage.

"But when, after he had tried all means of persuasion in vain, he saw himself clearly faced with deliberate violations of a solemn pact, with a religious persecution masked or open, but always rigorously organized, he proclaimed to the world, on Passion Sunday 1937, in his Encyclical *Mit brennender Sorge*, what National-Socialism really was; the arrogant apostasy from Jesus Christ, the denial of His doctrine and of His work of redemption, the cult of violence, the idolatry of race and blood, the overthrow of human liberty and dignity * * *.

"From the prisons, concentration camps and fortresses are now pouring out, together with the political prisoners, also the crowds of those, whether clergy or laymen, whose only crime was their fidelity to Christ and to the faith of their

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fathers or the dauntless fulfillment of their duties as priests

* * *

"In the forefront, the number and harshness of the treatment meted out to them, were the Polish priests. From 1940 to 1945, 2,800 Polish ecclesiastical and religious were imprisoned in that camp; among them was the Auxiliary bishop of Wloclawek, who died there of typhus. In April last there were left only 816, all the others being dead except for two or three transferred to another camp. In the summer of 1942, 480 German-speaking ministers of religion were known to be gathered there; of these, 45 were Protestants, all the others Catholic priests. In spite of the continuous inflow of new internees, especially from some dioceses of Bavaria, Rhenania and Westphalia, their number, as a result of the high rate of mortality, at the beginning of this year, did not surpass 350. Nor should we pass over in silence those belonging to occupied territories, Holland, Belgium, France (among whom the Bishop of Clermont), Luxembourg, Slovenia, Italy. Many of those priests and laymen endured indescribable sufferings for their faith and for their vocation. In one case the hatred of the impious against Christ reached the point of parodying on the person of an interned priest, with barbed wire, the scourging and crowning with thorns of our Redeemer." (3268-PS)

The Leadership Corps participated in the confiscation of church and religious property. A letter dated 19 April 1941 from *Reichsleiter* Bormann to *Reichsleiter* Rosenberg exposes the participation of the *Gauleiter* in measures relating to the confiscation of religious property (072-PS). The letter reads in part as follows:

"The libraries and art objects of the monasteries confiscated in the Reich were to remain for the time being in these monasteries, insofar as the *Gauleiter* had not determined otherwise." (072-PS)

On 21 February 1940, the Chief of the Security Police and SD, Heydrich, wrote a letter to the *Reichsfuehrer* SS, Himmler, proposing that certain listed churches and monasteries be confiscated for the accommodation of so-called racial Germans. (Himmler was a *Reichsleiter* in the Leadership Corps by virtue of his position as *Reichsfuehrer* of the SS.) After pointing out that, on political grounds, outright expropriation of religious property would not be feasible at the time, Heydrich suggested certain specious interim actions with respect to the church properties in question, to be followed progressively by outright confiscation (R-101-A). Heydrich's letter makes the following statements:

"Enclosed is a list of church possessions which might be available for the accommodation of Racial Germans. The list, which please return, is supplemented by correspondence and illustrated material pertinent to the subject.

"For political reasons, expropriation without indemnity of the entire property of the churches and religious orders will hardly be possible at this time.

"Expropriation with indemnity or in return for assignment of other lands and grounds will be even less possible.

"It is therefore suggested that the respective authorities of the Orders be instructed that they make available the monasteries concerned for the accommodation of Racial Germans and remove their own members to other less populous monasteries. [Marginal note in pencil opposite this paragraph: "Very good!"]

"The final expropriation of these properties thus placed at our disposal can then be carried out step by step in course of time." (R-101-A)

On 5 April 1940, the Chief of the Security Police and of the Security Service SS sent a letter to the Reich Commissioner for the consolidation of Germandom, enclosing a copy of the foregoing letter from Heydrich to Himmler proposing the confiscation of church properties (R-101-A). The letter of 5 April 1940 stated:

"The Reich Leader SS has agreed to the proposals made in the enclosed letter and has ordered the matter to be dealt with by collaboration between the Chief of the Security Police and Security Service and your office." (R-101-A)

A letter dated 30 July 1941 (R-101-C) written by an SS-Standartenfuehrer whose signature is illegible, to the Reich Leader of the SS, supplies further evidence of the participation of the *Gauleiter* in the seizure of church property:

"Further to report of 30 May 1941 this office considers it its duty to call the Reich Leader's attention to the development which is currently taking place in the incorporated Eastern countries with regard to seizure and confiscation of Church property.

"As soon as the Reich Laws on expropriation had been introduced, the Reich Governor and *Gauleiter* in the Wartheland adopted the practice of expropriating real estate belonging to churches for use as dwellings. He grants compensation to the extent of the assessed value and pays the equivalent amount into blocked accounts.

"Moreover the East German Estate Administration Limited reports that in the '*Warthegau*' all real estate owned by the

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churches is being claimed by the local *Gau* administration [*Gauebstverwaltung*]." (R-101-C)

Another letter, this one from the Chief of the Staff Main Office to Himmler, dated 30 March 1942, dealing with the confiscation of church property, evidences the active participation of the Party Chancellery in the confiscation of religious property (R-101-D). In this letter the Chief of the Staff Main Office reports to Himmler concerning the policy of the SS in suspending all payments of rent to monasteries and other church institutions whose property had been expropriated. The letter discusses a proposal made by the Reich Minister of the Interior, in which the Party Chancery prominently participated, to the effect that the church institutions should be paid amounts corresponding to current mortgage charges on the premises without realizing any profit. The writer further suggests that such payments should never be made directly to the ecclesiastical institutions but rather should be made to the creditors of such institutions:

"Such an arrangement would be in line with the basic idea of the settlement originally worked out between the Party Chancery and the Reich Minister of the Interior." (R-101-D)

The Leadership Corps of the Nazi Party participated in the suppression of religious publications and interfered with free religious education. In a letter dated 27 September 1940, *Reichsleiter* and Deputy of the Fuehrer Bormann transmitted to Rosenberg a photostatic copy of a letter from *Gauleiter* Florian to Hess, dated 23 September 1940, which expresses the *Gauleiter's* intense disapproval on Nazi ideological grounds of a religious pamphlet entitled "The Spirit and Soul of the Soldiers," written by a Major General von Rabenau (064-PS). The *Gauleiter* urges that the religious writings of General von Rabenau be suppressed. Florian also discusses a conversation he had with General von Rabenau at the close of a lecture delivered by the General to a group of younger Army officers at Aachen. This conversation illumines the hostile attitude of the Leadership Corps of the Nazi Party toward the Christian churches:

"After he had affirmed the necessity of the churches, Rabenau said, with emphasized self-assurance, something like the following: 'Dear Gauleiter, the Party is making mistake after mistake in the business with the churches. Obtain for me the necessary powers from the Fuehrer and I guarantee that I shall succeed in a few months in establishing peace with the churches for all times.' After this catastrophic ignorance, I gave up the conversation. Dear Party Member Hess: the

reading of von Rabenau's pamphlet 'Spirit and Soul of the Soldier' has reminded me again of this. In this brochure, Rabenau affirms the necessity of the Church straight-forward and clearly, even if it is prudently careful. He writes on page 28 'There could be more examples; they would suffice to show that a soldier in this world can scarcely get along without thoughts about the next one.' Because von Rabenau is falsely based spiritually, I consider his activities as an educator in spiritual affairs as dangerous, and I am of the opinion that his educational writings are to be dispensed with absolutely and that the publication section of the NSDAP can and must renounce these writings * * * The churches with their Christianity are this danger against which the struggle must always be carried on." (064-PS)

That the Party Chancellery shared the *Gauleiter's* hostility to the Christian churches is further revealed by Bormann's instruction to Rosenberg to "take action" on the *Gauleiter's* recommendation that the General's writings be suppressed. (064-PS)

Another letter from Bormann to Rosenberg, dated 8 March 1940, enclosed a copy of Bormann's letter of the same date to *Reichsleiter* Amann (089-PS). Amann was a top member of the Leadership Corps by virtue of his position as *Reichsleiter* for the Press and Leader of the Party Publishing Company. In this letter to Amann, Bormann expressed his dismay and dissatisfaction that only 10 percent of the 3,000 Protestant periodicals in Germany had ceased publication for what are described as "paper saving" reasons. Bormann then advised Amann that "the distribution of any paper whatsoever for such periodicals" was barred (089-PS). Bormann also instructed Amann to make sharper restrictions in the distribution of paper against religious writings in favor of publications more acceptable to the Nazi ideology:

"I urge you [Bormann is addressing *Reichsleiter* Amann] to see to it in any redistribution of paper to be considered later that the confessional writing, which according to experiences so far gathered possesses very doubtful value for strengthening the power of resistance of the people toward the external foe receives still sharper restrictions in favor of literature, politically and ideologically more valuable." (089-PS)

A further letter from Bormann to Rosenberg, dated 17 January 1940, expressed the Party's opposition to the circulation of religious literature to the members of the German Armed Forces (101-PS). Pertinent excerpts from Bormann's letter read as follows:

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"Nearly all the districts [*Gaue*] report to me regularly that the churches of both confessions are administering spiritually to members of the Armed Forces. This administering finds its expression especially in the fact that soldiers are being sent religious publications by the spiritual leaders of the home congregations. These publications are, in part, very cleverly composed. I have repeated reports that these publications are being read by the troops and thereby exercise a certain influence on the morale.

"I have, in the past, sought by sounding out the General Field Marshal, the High Command of the Armed Forces, and * * * Reich Director Amann, to restrict considerably the production and shipment of publications of this type. The result of these efforts remains unsatisfactory. As *Reichsleiter* Amann has repeatedly informed me, the restriction of these pamphlets by means of the * * * paper rationing has not been achieved because the paper * * * is being purchased on the open market.

"If the influencing of the soldiers by the church is to be effectively combatted, this will only be accomplished by producing many good publications in the shortest possible time under the supervision of the Party * * *.

"Thus at the last meeting of the Deputy *Gauleiters*, comments were uttered on this matter to the effect that a considerable quantity of such publications are not available.

"I maintain that it is necessary that in the near future we transmit to the Party Service Office down to *Ortsgruppenleitern* a list of additional publications of this sort which should be sent to our soldiers by the *Ortsgruppen*. * * *
(101-PS)

The Leadership Corps also participated in measures leading to the closing and dissolution of theological schools and other religious institutions. In a letter dated 17 April 1939 Bormann transmitted to Rosenberg photostatic copy of a plan suggested by the Reich Minister for Science, Education, and Training for the combining and closing of certain specifically listed theological faculties (122-PS). In his letter of transmittal Bormann requested Rosenberg to take "cognizance and prompt action" with respect to proposed suppression of religious institutions. The plan to suppress the religious institutions was summarized as follows:

"To recapitulate, this plan would include the complete closing of the theological faculties at Innsbruck, Salzburg, and Munich, the transfer of the faculty of Graz to Vienna, and

the vanishing of four Catholic faculties; closing of three Catholic theological faculties or higher schools, and of four evangelical faculties in the Winter semester 1939/1940; closing of one further Catholic and of three further evangelical faculties in the near future." (122-PS)

A final letter from Bormann to Rosenberg, dated 24 January 1939, enclosed for Rosenberg's cognizance a copy of Bormann's letter to the Reich Minister for Knowledge and Education (116-PS). In the enclosed letter, Bormann informed the Minister as to the Party's position in favor of restricting and suppressing theological faculties. Bormann stated that, owing to the effects of the introduction of military service, the consequences of the Four Year Plan, and the extraordinary lack of replacements, it would become necessary to carry out a reorganization of the German high schools. In view of these developments, he requested the Minister to restrict and suppress the theological faculties:

"* * * I would appreciate it very much if you would restrict the theological faculties in so far as they cannot be wholly suppressed in accordance with the above statement. I request in this instance the omission of any expressed declaration to the Churches or to other places, as well as the avoiding of a public announcement of these measures. Complaints and the like must be answered (if they are to be replied to) in the fashion that these measures are being executed in the course of the economic plan of reorganization and that similar things are happening to other faculties. "I would appreciate it very much if professional chairs thus vacated can be then turned over to the newly created fields of inquiry of these last years, such as Racial Research, Archeological Studies, etc." (116-PS)

From the foregoing evidence it is clear the Leadership Corps of the Nazi Party shares in the responsibility for the measures taken to subvert the Christian churches and persecute the Christian clergy, both in Germany and in German-occupied territories of Europe. The Prosecution stresses the significance of the appointment of Rosenberg, whose anti-Christian views are open and notorious, as the Fuehrer's Representative for the Whole Spiritual and Philosophical Education of the Nazi Party. It was precisely this position which gave Rosenberg his seat in the *Reichsleitung*. But emphasis is placed not merely upon the fact that anti-Christians such as Bormann and Rosenberg held directive positions within the Leadership Corps, but upon the further fact that their directives and orders were passed down the chain

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of command of the Leadership Corps and caused the participation of its membership in acts subversive of the Christian Church.

(e) *Destruction of the Free Trade Unions, Imposition of Nazi Control over the Productive Labor Capacity of Germany.* The evidence relating to the destruction of the independent trade unions is discussed in Section 5 of Chapter VII. The evidence hereinafter taken up is offered to prove the responsibility of the Leadership Corps for participation in the smashing of the unions and the imposition of Nazi Party control over the productive labor capacity of the German nation.

Soon after the seizure of power (mid-April 1933), *Reichsleiter* Robert Ley was directed by Hitler to smash the independent unions. *Reichsleiter* Ley, in his speech to the Nurnberg Party Congress of 1936, declared:

“* * * My Fuehrer! When you, my Fuehrer, ordered me in mid-April 1933 to take over the trade unions, I could not understand why you gave this order to me since I could not see any connection between my task as Organizational Leader of the Party and my new task. Very soon, however, your decision, my Fuehrer, became clear to me and I recognized that the organizational measures of the Party could only come to full fruition when supplemented by the organization of the people, that is to say, by the mobilization of the energies of the people and by their concentration and alignment. If the *Party* represents the *concentration of the Political Leaders of the people*—as you, my Fuehrer, have told us again and again—then the *people* is the *retinue* and must be organized and trained according to the same principles. *Leader and retinue, elite and community at large*—these were the clear directives for my work. These were the consequences:

“(1) *My tasks as Organizational Leader of the Party and as the leader of the German Labor Front were a completely homogeneous task: in other words, in everything I did I acted as Reich Organization Leader of the NSDAP.*

“(2) *The German Labor Front was an institution of the Party and was led by it.*

“(3) *The German Labor Front had to be organized regionally and professionally according to the same principles as the Party.*

“That is why trade union and employer associations had to be smashed unrelentingly, and the basis of construction was formed, as in the Party, by the cell and the local section [*Ortsgruppe*].

* * * * *

"National Socialism has conquered the factory. Factory troops [*Die Werkschar*] are the National Socialist shock troops within the factory, and their motto is:

"THE FUEHRER IS ALWAYS RIGHT." (2283-PS)

In furtherance of the Nazi policy to destroy the independent trade unions of Germany, Ley issued a Party directive on 21 April 1933 outlining what was termed a "coordination action" scheduled for 2 May 1933 against the General German Trade Union Federation and the General Independent Employee Federation (392-PS). This directive ordered the SA and the SS to occupy trade union premises, seize trade union funds, and take into protective custody the higher union leaders.

Pertinent portions of Ley's order provide:

"On Tuesday, 2 May 1933, the coordination action of the free trade unions begins.

* * * * *

"The essential part of the action is to be directed against the General German Trade Union Federation and the General Independent Employees Federation.

"Anything beyond that which is dependent upon the free trade unions is left to the discretion of the *Gauleiter's* judgment.

"The *Gauleiter* are responsible for the execution of the coordination action in the individual areas. Supporters of the action should be members of the National Socialist Factory Cell Organizations * * *.

"SA as well as SS are to be employed for the occupation of trade union properties and for taking into protective custody of personalities who come into question.

"The *Gauleiter* is to proceed with his measures on a basis of the closest understanding with competent gau or regional factory cells directors.

* * * * *

"In the Reich, the following will be occupied:

The directing offices of the unions;

The trade union houses and offices of the free trade unions;

The Party houses of the Socialist Democratic Party of Germany in so far as trade unions are involved there;

The branches and paying offices of the 'Bank for Workers, Employees and Officials, Inc.'

The district committees of the General German Trade Union Federation and of the General Independent Employees Federation.

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The local committees of the General German Trade Union Federation and of the General Independent Employees Federation.

"The following are to be taken into protective custody:

All trade union chairmen;

The district secretaries and branch directors of the Bank for Workers, Employees and Officials, Inc.

* * * * *

"Exceptions are granted only with the permission of the *Gauleiter*.

* * * * *

"It is understood that this action is to proceed in a strongly disciplined fashion. The *Gauleiter* are responsible in this respect. They are to hold the direction of the action firmly in hand.

"Heil Hitler!

"(signed) Dr. Robert Ley." (392-PS)

Ley's order for the dissolution of the independent trade unions was carried out as planned and directed. Trade union premises all over Germany were occupied by the SA and the unions dissolved. On 2 May 1933, the official NSDAP Press Service reported that the National Socialist Factory Cells Organization (NSBO) had "eliminated the old leadership" of "Free Trade Unions" and taken over their leadership (2224-PS):

"National Socialism, which today has assumed leadership of the German working class, can no longer bear the responsibility for leaving the men and women of the German working class, the members of the largest trade organization in the world, the German Trade Union Movement, in the hands of a people who do not know a fatherland that is called Germany. Because of that, the National Socialist Factory Cell Organization (NSBO) has taken over the leadership of the trade unions. The NSBO has eliminated the old leadership of the trade unions of the General German Trade Unions League and of the General Independent Employees' Federation * * *.

"On 2 May 1933, the National Socialist Factory Cell Organization (NSBO) took over the leadership of all trade unions; all trade union buildings were occupied and most stringent control has been organized over financial and personnel matters of the organization." (2224-PS)

This assault on the independent unions directed by Ley in his capacity as *Reichsleiter* in charge of Party Organization, assisted

by the *Gauleiter* and Party Formations, included the seizure of trade union funds and property. In a speech on 11 September 1937 to the 5th Annual Session of the German Labor Front (1678-PS), Ley admitted the confiscation of trade union funds.

"Once I said to the Fuehrer: 'My Fuehrer, actually I am standing with one foot in jail, for today I am still the trustee of the comrades "Leipart" and "Imbusch," and should they some day ask me to return their money, then it will be found that I have spent it, either by building things, or otherwise. But they shall never again find their property in the condition in which they handed it over to me. Therefore I would have to be convicted.'

"The Fuehrer laughed then and remarked that apparently I felt extremely well in this condition.

"It was very difficult for us all. Today we laugh about it * * *." (1678-PS)

The plan of the Nazi conspirators to eliminate the Free Trade Unions was advanced by the enactment on 19 May 1933 of a law which abolished collective bargaining between workers and employers and replaced it with a regulation of working conditions by Labor Trustees appointed by Hitler (405-PS). After providing in Section 1 for the appointment by Hitler of trustees of labor, this law provides, in Section 2:

"Until a new revision of the social constitution, the trustees are to regulate the conditions for the conclusion of labor contracts. This practice is to be legally binding for all persons and replaces the system found on combinations of workers, of individual employers or of combinations of employers * * *." (405-PS)

Having destroyed the independent unions and collective bargaining, the next step of the Nazi conspirators was to Nazify industrial relations. The Law of 20 January 1934, entitled "Law Regulating National Labor," imposed the Leadership Principle upon industrial enterprisers (1861-PS). Section I, paragraph 1, provided that the enterpriser should be the leader of the plant and the workers would "constitute his followers." Section 1, paragraph 2 reads as follows:

"The Leader of the plant makes the decisions for the employees and laborers in all matters concerning the enterprise, as far as they are regulated by this law.

"He is responsible for the well-being of the employees and laborers. The employees and laborers owe him faithfulness

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according to the principles of the factory community.”
(1861-PS)

The trade unions having been dissolved and the Leadership Principle superimposed upon the relationship of management and labor, the members of the Leadership Corps joined in and directed measures designed to replace the independent unions by the German Labor Front, the DAF, an affiliated Party organization. On the very day the Nazi conspirators seized and dissolved the Free Trade Unions, 2 May 1933, they publicly proclaimed that a “united front of German workers” would be formed with Hitler as honorary patron at a workers’ congress on 10 May 1933 (2224-PS). A release of the Nazi Party Press Agency stated:

“The National Socialist Party Press Agency is informed that a great workers’ congress will take place on Wednesday, 10 May, in the Russian House of Lords in Berlin. The United Front of German workers will be formed there. Adolf Hitler will be asked to assume the position of Honorary Patron.”
(2224-PS)

The action committee, which supervised the smashing of the unions under *Reichsleiter* Ley, met with Hitler and reported that the independent unions had been effectively dissolved. The Fuehrer then consented to be Honorary Patron at the Great Workers’ Congress. (2224-PS)

The Leadership Corps of the Nazi Party was not only employed in measures taken to dissolve the independent unions, but certain of its members were given important and directive positions within the German Labor Front, the Nazi Organization which replaced the free trade unions. On 10 May 1933, Hitler appointed Ley Leader of the German Labor Front (DAF) (1940-PS). By the same edict, Hitler appointed *Gauleiter* Forster as Leader of the Employees’ Associations, and Schumann, Leader of the Nazi Factory Cell Organization (NSBO), as Leader of the Workers’ Associations. The Hitler edict stated:

“The Fuehrer, Adolf Hitler, has issued the following edict:

“I appoint the Chief of Staff of the Political Organization of the NSDAP, Dr. Robert Ley, as leader of the German Labor Front.

“I appoint *Gauleiter* Forster, Danzig, as leader of the Employees’ Associations.

“I appoint the leader of the National Socialist Factory Cell Organizations (NSBO), Schumann, as leader of the Workers’ Associations.

“Berlin, 10 May

“Adolf Hitler.” (1940-PS)

The Nazi conspirators employed the German Labor Front (DAF) as an instrument for propagandizing its millions of compulsory members with Nazi ideology. The control of the Leadership Corps over the German Labor Front was assured not only by the designation of *Reichsleiter* Ley as head of the DAF, but by the employment of a large number of *Politischen Leiter* (political leaders) charged with disseminating Nazi ideology to the large membership of the DAF. These facts are apparent from pages 185-187 of the *Organization Book of the NSDAP (2271-PS)*:

"The National Socialist Factory Cells Organization [NSBO], is a union of the political leaders [*Politischen Leiter*] of the NSDAP in the German Labor Front.

"The NSBO is the carrier of the organization of the German Labor Front.

"The duties and responsibilities of the NSBO have passed over to the DAF.

"The political leaders who have been transferred from the NSBO to the German Labor Front guarantee the ideological education of the DAF in the spirit of the National Socialistic idea." (2271-PS)

The foregoing evidence fixes upon the Leadership Corps of the Nazi Party responsibility for participation in the measures leading to the destruction of the independent trade unions and to Nazi Party control over the productive capacity of the German Labor Movement. Not only were these actions directed by Ley in his capacity as *Reichsleiter*, but they were supervised on a regional basis by the *Gauleiter* as district representatives of the Leadership Corps. Moreover, the German Labor Front (DAF) which replaced the dissolved trade unions was an affiliated organization of the NSDAP and, as such, remained under the control of the Leadership Corps and was employed by it to nazify the labor population of Germany.

(f) *Plunder of Art Treasures.* The Leadership Corps of the NSDAP is also responsible for the plundering of art treasures by *Reichsleiter* Rosenberg's *Einsatzstab Rosenberg*, the activities of which are discussed in full in Chapter XIV.

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LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO THE NAZI PARTY LEADERSHIP CORPS

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*004-PS	Report submitted by Rosenberg to Deputy of the Fuehrer, 15 June 1940, on the Political Preparation of the Norway Action. (GB 140)	III	19
*057-PS	Circular letter from Bormann to Political Leaders, 30 May 1944, concerning justice exercised by people against Anglo-American murderers. (USA 329).....	III	102
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The Reich Cabinet, or *Reichsregierung*, unlike most of the other Nazi organizations, was not especially created by the Nazi Party to carry out or implement its purposes. The *Reichsregierung* had, before the Nazis came to power, a place in the constitutional and political history of the country. As with other cabinets of duly constituted governments, the executive power of the realm was concentrated in that body. The Nazi conspirators well realized this fact. Their aim for totalitarian control over the State could not be secured, they realized, except by acquiring, holding, and utilizing the machinery of the State. And this they did.

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Under the Nazi regime the *Reichsregierung* gradually became a primary agent of the Nazi Party, with functions and policies formulated in accordance with the objectives and methods of the Party itself. The *Reichsregierung* became—at first gradually and then with more rapidity—polluted by the infusion of the Nazi conspirators sixteen of whom are accused in the Indictment. Its purpose came to be to clothe every scheme and purpose of the Party, however vile, with the semblance of legality.

A. Composition and Nature of the *Reichsregierung*.

The term *Reichsregierung* literally translated means "Reich Government". Actually, it was commonly taken to refer to the ordinary Reich Cabinet. In the Indictment the term *Reichsregierung* is defined to include not only those persons who were members of the ordinary Reich Cabinet, but also persons who were members of the Council of Ministers for the Defense of the Reich (*Ministerrat fuer die Reichsverteidigung*) and the Secret Cabinet Council (*Geheimer Kabinettsrat*). The most important body, however, was the ordinary cabinet. Between it and the other two groups there was in reality only an artificial distinction. There existed, in fact, a unity of personnel, action, function, and purpose that obliterated any academic separation. As used in the Indictment, the term "ordinary cabinet" means Reich Ministers, i.e., heads of departments of the central government; Reich Ministers without portfolio; State Ministers acting as Reich Ministers; and other officials entitled to take part in Cabinet meetings. Altogether, 48 persons held positions in the ordinary cabinet. 17 of them have been indicted as defendants. Of the remaining 31, eight are believed to be dead.

(1) *The Ordinary Cabinet*. Into the ordinary cabinet were placed the leading Nazi trusted henchmen. Then, when new governmental agencies or bodies were created, either by Hitler or by the Cabinet itself, the constituents of these new bodies were taken from the rolls of the ordinary cabinet.

When the first Hitler Cabinet was formed on 30 January 1933, there were 10 ministries which could be classified as departments of the central government. This fact appears from the minutes of the first meeting of that cabinet, which were found in the files of the Reich Chancellery and bear the typed signature of one Weinstein, who is described in the minutes as "Responsible for the Protocol—Counsellor in the Ministry" (351-PS). The ten ministers who attended are set forth:

"Reichs Minister of Foreign Affairs (von Neurath); Reichs Minister of the Interior (Frick); Reichs Minister of Finance (Graf Schwerin von Krosigk); Reichs Minister of Economy; Reichs Minister for Food and Agriculture (Dr. Hugenberg); Reichs Minister of Labor (Seldte); Reichs Minister of Justice [no name given; the post was filled two days later by Gurtner]; Reichs Defense Minister (von Blomberg); the Reichs Postmaster General; and Reichs Minister for Transportation (Freiherr von Eltz-Ruebanach)." (351-PS)

In addition, Goering attended as Reichs Minister (he held no portfolio at that time) and Reichs Commissar for Aviation. Dr. Perecke attended as Reich Commissar for Procurement of Labor. Two state secretaries were present—Dr. Lammers of the Reichs Chancellery and Dr. Meissner of the Reich's Presidential Chancellery. In addition, Funk was present as Reichs Press Chief, and von Papen was present as Deputy of the Reichs Chancellor and Reichs Commissar for the State of Prussia. (351-PS)

Not long afterwards new ministries or departments were created, into which leading Nazi figures were placed. On 13 March 1933, the Ministry of Popular Enlightenment and Propaganda was created, and Paul Josef Goebbels was named as Reich Minister of Popular Enlightenment and Propaganda (2029-PS). On 5 May 1933 the Ministry of Air (2089-PS), on 1 May 1934 the Ministry of Education (2078-PS), and on 16 July 1935 the Ministry for Church Affairs (2090-PS) were created. Goering was made Air Minister; Bernhard Rust, Gauleiter of South Hanover, was named Education Minister; and Hans Kerrl was named Minister for Church Affairs. Two Ministries were added after the war started. On 17 March 1940 the Ministry of Armaments and Munitions was established (2091-PS). Dr. Fritz Todt, a high party official, was appointed to this post. Speer succeeded him. The name of this department was changed to "Armaments and War Production" in 1943 (2092-PS). On 17 July 1941, when the seizure of Eastern territories was in progress, the Ministry for the Occupied Eastern Territories was created. There was no published decree for this act. A file found in the Presidential Chancellery contains a typewritten copy of the decree of Hitler establishing that post (1997-PS). The decree provides:

"Decree of the Fuehrer concerning the administration of the newly-occupied Eastern Territories dated 17 July 1941."

"In order to maintain public order and public life in the newly-occupied Eastern territories I decree that:

"As soon as the military operations in the newly-occupied territories are over, the administration of these territories

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shall be transferred from the military establishments to the civil-administration establishments. I shall from time to time determine by special decree, the territories which according to this are to be transferred to the civil administration, and the time when this is to take place.

"The Civil Administration in the newly occupied Eastern territories, where these territories are not included in the administration of the territories bordering on the Reich or the General government, is subject to the 'Reich Minister for the Occupied Eastern territories.'

* * * * *

"I appoint Reichsleiter Alfred Rosenberg as Reich Minister for the Occupied Eastern Territories. He will hold office in Berlin." (1997-PS)

During the years 1933 to 1945, one ministry was dropped—the Ministry of Defense (later called War). This took place on 4 February 1938, when Hitler took over command of the whole Armed Forces. At the same time he created the office of the "Chief of the Supreme Command of the Armed Forces" or Chief of the OKW. This was held by Keitel. The decree accomplishing this change provides in part as follows:

"He [the Chief of the supreme command of the armed forces] is equal in rank to a Reich Minister. At the same time, the supreme command takes the responsibility for the affairs of the Reichs Ministry of War, and by my order, the chief of the supreme command of the Armed Forces exercises the authority formerly belonging to the Reichs Minister." (1915-PS)

Another change in the composition of the cabinet during the years in question should be noted. The post of vice-chancellor was never refilled after the departure of von Papen on 30 July 1934.

In addition to the heads of departments mentioned above, the ordinary cabinet also contained Reich Ministers without portfolio. Among these were Frank, Seyss-Inquart, Schacht (after he left the Economics Ministry), and von Neurath (after he was replaced as Ministry of the Interior). Other positions also formed an integral part of the cabinet. Those were the Deputy of the Fuehrer, Hess, and later his successor, the Leader of the Party Chancellery, Bormann; the Chief of Staff of the SA, Ernst Roehm, for the seven months prior to his assassination; the Chief of the Reich Chancellery, Lammers; and, as already mentioned, the Chief of the OKW, Keitel. These men had either the title or rank of Reich Minister.

The Cabinet also contained other functionaries, such as State Ministers acting as Reich Ministers. Only two persons fell within this category—the Chief of the Presidential Chancellery, Otto Meissner, and the State Minister of the Protectorate of Bohemia and Moravia, Karl Hermann Frank. In addition, as named in the Indictment, the ordinary cabinet included “others entitled to take part in Cabinet meetings”. Many governmental agencies were created by the Nazis between the years 1933 and 1945, but the peculiarity of these creations was that in most instances the new officials were given the right to participate in cabinet meetings. Among those entitled to take part in Cabinet meetings were the Commanders in Chief of the Army and the Navy; the Reich Forest Master; the Inspector General for Water and Power; the Inspector General of German Roads; the Reich Labor Leader; the Reich Youth Leader; the Chief of the Foreign Organization in the Foreign Office; the Reichsfuehrer SS and Chief of the German Police in the Reich Ministry of the Interior; the Prussian Finance Minister; and the Cabinet Press Chief. These posts and officials comprising the ordinary cabinet all appear on the chart entitled “Organization of the Reich Government,” and authenticated by Frick (*Chart Number 18*). The persons who held these posts in the ordinary cabinet varied between the years 1933 to 1945. Their names are listed in the chart (*Chart Number 18*), which discloses that 17 of these officials are defendants in these proceedings.

(2) *The Secret Cabinet Council.* Proof that there was only an artificial distinction between the ordinary cabinet, the Secret Cabinet Council, and the Council of Ministers for the Defense of the Reich, is shown by the unity of personnel among the three subdivisions. Thus, on 4 February 1938, Hitler created the Secret Cabinet Council (2031-PS):

“To advise me in conducting the foreign policy I am setting up a secret cabinet council.

“As president of the secret cabinet council, I nominate:
Reichsminister Freiherr von Neurath

“As members of the secret cabinet council I nominate:
Reichsminister for Foreign Affairs, Joachim von Ribbentrop

Prussian Prime Minister, Reichsminister of the Air, Supreme Commander of the Air Forces, General Field Marshal Hermann Goering

The Fuehrer's Deputy, Reichminister Rudolf Hess

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Reichsminister for the Enlightenment of the people and of Propaganda, Dr. Joseph Goebbels

Reichsminister and Chief of the Reichs Chancellery Dr. Hans-Heinrich Lammers

The Supreme Commander of the Army, General Walther von Brauchitsch

The Supreme Commander of the Navy, Grand Admiral Dr. (honorary) Erich Raeder

The Chief of the Supreme Command of the Armed Forces Lt Gen Wilhelm Keitel." (2031-PS)

It will be noted that every member of this group was either a Reichsminister or, as, in the case of the Army, Navy, and OKW heads, had the rank and authority of a Reich Minister.

(3) *The Council of Ministers for the Defense of the Reich.* On 30 August 1939 Hitler established the Council of Ministers for the Defense of the Reich (better known as the Ministerial Council). This was the so-called war cabinet. The decree establishing this Council provided (2018-PS) :

"Article I

"(1) A Ministerial Council for Reich Defense shall be established as a standing committee out of the Reich Defense Council.

"(2) The standing members of the Ministerial Council for Reich Defense shall include: General Field Marshall Goering as chairman; Fuehrer's Deputy [Hess]; Commissioner General (or Plenipotentiary) for Reich Administration [Frick]; Commissioner General (or Plenipotentiary) for Economy [Funk]; Reich Minister and Chief of the Reich Chancellery [Dr. Lammers]; Chief of the High Command for the Armed Forces [Keitel].

"(3) The chairman may draw on other members of the Reich Defense Council including further personalities for advice." (2018-PS).

Again, all members of this group were also members of the ordinary Cabinet.

The Reich Defense Council, for secret war planning, was created by the Cabinet on 4 April 1933 (cf. the unpublished Reich Defense Law of 21 May 1935 (2261-PS)). The membership of that Council when first created is shown by the minutes of the second session of the working committee of the delegates for Reich Defense, dated 22 May 1933 and signed by Keitel (EC-177) :

"Composition of the Reich Defense Council:

President: Reichs Chancellor

Deputy: Reichswehr Minister

Permanent Members: Minister of the:
Reichswehr
Foreign Affairs
Interior
Finance
Economic Affairs
Public Enlightenment and Propaganda
Air
Chief of the Army Command Staff
Chief of the Navy Command Staff

"Depending on the case: The remaining ministers, other personalities, e.g., leading industrialists, etc." (EC-177)

All but the Chiefs of the Army and Navy Command Staff were at that time members of the ordinary cabinet.

The composition of this Reich Defense Council was changed by an unpublished law on 4 September 1938, which provided as follows (2194-PS):

"* * * (2) The leader and Reich Chancellor is chairman in the RVR. His permanent deputy is General Field Marshall Goering. He has the right to call conferences of the RVR. Permanent members of the RVR are

"The Reich Minister of Air and Supreme Commander of the Air Force,

The Supreme Commander of the Army,

The Supreme Commander of the Navy,

The Chief of the OKW,

The Deputy of the Fuehrer,

The Reich Minister and Chief of the Reich Chancellery,

The President of the Secret Cabinet Council,

The Chief Plenipotentiary for the Reich Administration,

The Chief Plenipotentiary for Economics,

The Reich Minister of Foreign Affairs,

The Reich Minister of the Interior,

The Reich Finance Minister,

The Reich Minister for Public Enlightenment and Propaganda,

The President of the Reichsbank Directorate.

The other Reich Ministers and the Reich offices directly subordinate to the Fuehrer and Reich Chancellor are consulted

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if necessary. Further personalities can be called as the case demands." (2194-PS)

On that date all the members also belonged to the ordinary cabinet, for by that time the supreme commanders of the Army and Navy had been given ministerial rank and authorized to participate in cabinet meetings (2098-PS). It is also worth noting that two members of the Reich Defense Council also appear in the Ministerial Council under the same title—The Plenipotentiary for Administration, and the Plenipotentiary for Economy. The former post was held by Frick, while the latter was first held by Schacht and then by Funk. These facts are verified by Frick on the Nazi governmental organization chart (*Chart Number 18*). Many other ministries were subordinated to these two posts for war-planning aims and purposes. These two officials, together with the Chief of the OKW, formed a powerful triumvirate known as the "Three-Man College" (Frick, Funk, and Keitel) which figured prominently in war plans and preparations.

B. *Functions of the Reichsregierung.*

The utilization of the ordinary cabinet as a manpower reservoir for other governmental agencies, the chronological development of the offshoots of the ordinary cabinet, and the cohesion between all of these groups, is apparent from the Nazi governmental organization chart (*Chart Number 18*). The chart shows the following offshoots of the ordinary cabinet: 1933, the Reich Defense Council; 1935, the Three-Man College; 1936, the Delegate for the Four Year Plan; 1938, the Secret Cabinet Council; 1939, The Ministerial Defense Council; and 1944, the Delegate for Total War Effort (Goebbels). In every case these important Nazi agencies were staffed with personnel taken from the ordinary cabinet.

(1) *The Ordinary Cabinet.* The unity, cohesion, and interrelationship of the sub-divisions of the *Reichsregierung* was not the result of a co-mixture of personnel alone. It was also realized by the method in which it operated. The ordinary cabinet consulted together both by meetings and through the so-called circulation procedure. Under the latter procedure, which was chiefly used when meetings were not held, drafts of laws prepared in individual ministries were distributed to other cabinet members for approval or disapproval.

The man primarily responsible for the circulation of drafts of laws under this procedure was Dr. Lammers, the Leader and Chief

of the Reich Chancellery. Lammers has described that procedure in an affidavit (2999-PS):

"* * * I was Leader of the Reich Chancellery (*Leiter der Reichskanzlei*) from 30 January 1933 until the end of the war. In this capacity I circulated drafts of proposed laws and decrees submitted to me by the Minister who had drafted the law or decree, to all members of the Reich Cabinet. A period of time was allowed for objections, after which the law considered as being accepted by the various members of the Cabinet. This procedure continued throughout the whole war. It was followed also in the Council of Ministers for Defense of the Reich (*Ministerrat fuer die Reichsverteidigung*)." (2999-PS)

A memorandum dated 9 August 1943, which bears the facsimile signature of Frick and is addressed to the Reich Minister and Chief of the Reich Chancellery, illustrates how the circulation procedure worked (1701-PS). Attached to the memorandum is a draft of the law in question and a carbon copy of a letter dated 22 December 1943 from Rosenberg to the Reich Minister of the Interior, containing his comments on the draft:

"To the Reich Minister and Chief of the Reich Chancellery.
in *Berlin W8*.

"For the information of the other Reich ministers.

"Subj: Law on the treatment of enemies of the society.

"In addition to my letter of 19 March, 1942.

"*Enclosures: 55.*—

"After the draft of the law on the treatment of enemies of the society has been completely rewritten, I am sending the enclosed new draft with the consent of the Reich Minister of Justice, Dr. Thierack, and ask that the law be approved in a circulatory manner. The necessary number of prints is attached." (1701-PS)

(2) *Council of Ministers for the Defense of the Reich.* The same procedure was followed in the Council of Ministers when that body was created. And the decrees of the Council of Ministers were also circulated to the members of the ordinary Cabinet. A memorandum found in the files of the Reich Chancellery and addressed to the members of the Council of Ministers, dated 17 September 1939, and bearing the typed signature of Dr. Lammers, Reich Minister and Chief of the Reich Chancellery, states (1141-PS):

"Matters submitted to the Council of Ministers for the Reich Defense have heretofore been distributed only to the mem-

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bers of the Council. I have been requested by some of the Reichministers who are not permanent members of the Council to inform them of the drafts of decrees which are being submitted to the Council, so as to enable them to check these drafts from the point of view of their respective offices. I shall follow this request so that all the Reichministers will in future be informed of the drafts of decrees which are to be acted upon by the Council for the Reich Defense. I therefore request to add forty-five additional copies of the drafts, as well as of the letters which usually contain the arguments for the drafts, to the folders submitted to the Council." (1141-PS)

Von Stutterheim, who was an official of the Reich Chancellery, comments on this procedure at page 34 of a pamphlet entitled "*Die Reichskanzlei*":

"* * * It must be noted that the peculiarity in this case is that the subjects dealt with by the Cabinet Council—(Council of Ministers for the Defense of the Reich), are distributed not merely among the members of the Cabinet Council, but also among all the members of the Cabinet (*Kabinett*) who are thereby given the opportunity of guarding the interests of their spheres of office by adding their appropriate standpoints in the Cabinet Council legislation, even if they do not participate in making the decree." (2231-PS)

For a time the Cabinet consulted together through actual meetings. The Council of Ministers did likewise, but those members of the Cabinet who were not already members of the Council also attended the meetings of the Ministerial Council. And where they did not attend in person, they were usually represented by the state secretaries of their Ministries. The minutes of six meetings of the Council of Ministers, on 1, 4, 8, and 19 September 1939, on 16 October 1939, and on 15 November 1939, demonstrate this procedure. (2852-PS)

At the meeting held on 1 September 1939, which was probably the first meeting since the Council was created on 30 August 1939, the following were in attendance:

"Present were the permanent members of the Council of Ministers for the Reich Defense: The Chairman and Generalfield Marshall, Goering; the Deputy of the Fuehrer, Hess [a line appears through the name Hess]; the Plenipotentiary for Reich Administration, Dr. Frick; the Plenipotentiary for Economy, Funk; the Reich Minister and Chief of the Reich Chancellery, Dr. Lammers; and the Chief of the High Com-

mand of the Armed Forces, Keitel, represented by Major General Thomas." (2852-PS)

These were the regular members of the Council. Also present was the Reich Minister for Food and Agriculture, Darré, and seven State Secretaries: Koerner, Neumann, Stuckart, Posse, Landfried, Backe, and Syrup (2852-PS). These State Secretaries were from the several Ministries or other supreme Reich authorities. Koerner was the Deputy of Goering in the Four-Year Plan; Stuckart was in the Ministry of the Interior; Landfried was in the Ministry of Economics; Syrup was in the Ministry of Labor.

The minutes dated 8 September 1939 (2852-PS) note that in addition to all members of the Ministerial Council, the following also were present:

"The Reich Minister for Food and Agriculture * * * Darré; State Minister * * * Popitz;"

Then come the names of nine State Secretaries from the several Ministries, and then:

"SS Gruppenfuehrer * * * Heydrich;"

The close integration of the Ministerial Council with the ordinary Cabinet is seen by the following excerpt from the minutes of the same date (8 September 1939):

"The Council of Ministers for the Reich Defense ratified the decree for the change of the Labor Service Law which had already been passed as law by the Reich Cabinet. (*Reichsgesetzblatt*, Part I, page 1744.)"

The minutes of the meeting of 19 September 1939 (2852-PS) show the following Reich Ministers to be present in addition to four members of the Council:

"Also: The Reich Minister for Finance, Count Schwerin von Krosigk.

The Reich Minister for Food and Agriculture, Darré.

The Reich Minister for Enlightenment and Propaganda, Dr. Goebbels.

State Minister * * * Dr. Popitz." (2852-PS)

Then come the names of eight State Secretaries. Others present included:

"SS Gruppenfuehrer * * * Heydrich; General of the Police (*Ordnungspolizei*) Daluge." (2852-PS)

The minutes dated 15 November 1939 show the same co-mixture of Ministers, State Secretaries, and similar functionaries. In addition, the following were also present:

"Reichsleiter, Dr. Ley; Reichsleiter, Bouhler; Reichsfuehrer

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SS, Chief of German Police in the Reich Ministry of Interior, Himmler; The Reich Labor Service Leader, Hierl * * * Reich Commissioner for Price Control, Wagner * * * as well as experts (*Sachbearbeiter*) of the German Labor Front and the Reich Labor Service." (2852-PS)

Some of the decrees passed and matters discussed at these meetings of the Ministerial Council are significant. At the first meeting of 1 September 1939 14 decrees were ratified by the Council. Decree No. 6 concerned

"* * * the organization of the administration and about the German safety police in the Protectorate of Bohemia and Moravia. (*RGB1*, I, page 1681)." (2852-PS)

At the meeting of the Council on 19 September 1939 the following occurred:

"The Chairman of the Council, Generalfieldmarshall Goering, made comments regarding the structure of civil administration in the occupied Polish territory. He expressed his intentions regarding the economic evacuation measures in this territory. Then the questions of decreasing wages and the questions of working hours and the support of members of families of inducted workers were discussed."

* * * * *

"The Chairman directed that all members of the Council regularly receive the situation reports of the Reichsfuehrer SS. Then the question of the population of the future Polish Protectorate was discussed and the placement of Jews living in Germany." (2852-PS)

Finally, at the meeting of 15 November 1939 the discussion concerned, among other things, the "treatment of Polish Prisoners of War". (2852-PS)

The minutes of these meetings (2852-PS) not only establish the close working union between agencies of the state and the party, especially the SS, but also tends to establish that the *Reichsregierung* was responsible for the policies adopted and put into effect by the government.

C. Powers of The *Reichsregierung*.

But mere working alliances would be meaningless unless there was power. And the *Reichsregierung* had power. Short of Hitler himself, it had practically all the power a government can exercise.

(1) *The Ordinary Cabinet*. The Nazi conspirators secured the passage by the Reichstag of the "Law for the Protection of the

People and the Reich," of 24 March 1933 (2001-PS), which vested the Cabinet with legislative powers even to the extent of deviating from previously existing constitutional law. These powers were retained even after the members of the cabinet were changed, and the several states, provinces, and municipalities, which had formerly exercised semi-autonomous powers, were transformed into mere administrative organs of the central government. The ordinary cabinet emerged all-powerful from this rapid succession of events. Frick waxed eloquent upon that achievement in an article which he wrote for the 1935 National Socialist Year Book:

"The relationship between the Reich and the States has been put on an entirely new basis, never known in the history of the German people. It gives to the Reich cabinet (*Reichsregierung*) unlimited power it even makes it its duty, to build a completely unified leadership and administration of the Reich. From now on, there is only one national authority: The one of the Reich! Thus, the German Reich has become a unified state, and the entire administration in the states is only carried out by order or in the name of the Reich. The state borders are now only administration, technical are boundaries but no longer boundaries of sovereignty! In calm determination, the Reich Cabinet (*Reichsregierung*) realizes step by step, supported by the confidence of the entire German people, the great longing of the Nation. The creation of the national socialist German, unified state." (2380-PS)

The heightened legislative power of the Cabinet is also emphasized in an article written by Dr. Franz Medicus, an official in the Reich Ministry of the Interior, and published in 1939 in Volume 4 of "*Das Dritte Reich in Aufbau*":

"* * * Worked out by the Reich Minister of the Interior, the 'Law for Alleviation of the Distress of People and Reich', in short called 'Enabling Law', was issued on 24 March 1933, broke with the liberal principle of 'division of power' by transferring the legislature from the Reichstag to the Reich Cabinet, so that legislation by *personally responsible persons* took the place of 'anonymous' legislation." (2849-PS)

When the Ministerial Council was formed in 1939, it too was given legislative powers (cf. Article II of the decree of 30 August 1939 (2018-PS)). The ordinary cabinet also continued to legislate throughout the war. Because of the fusion of personnel between the Ministerial Council and the ordinary cabinet, questions were bound to arise as to what forum should lend its name to a

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particular law. Dr. Lammers, Chief of the Reich Chancellery and a member of both agencies, wrote a letter on 14 June 1942 to the Plenipotentiary for Reich Administration about these questions (352-PS):

"To the Plenipotentiary for the Reich Administration (*Generalbevollmaechtigter die Reich Verwaltung*)

"Subject: The Jurisdiction of the Council of Ministers for the Defense of the Reich (*Ministerat fuer die Reichsvertretung*)

"Your letter of 3 June 1942, No. 493/42/2882.—Recently the Fuehrer announced in accord with the opinions of the Reich Marshal of the Greater German Reich as shown in my letter of 20 Feb. 1940-RK. 624-B—that he believes it practical to reserve certain legislative missions for the Reich Cabinet. With this he has not limited the competency of the Council of Ministers for the defense of the Reich but given a directive as to how legislation should be handled under the point of view of practicability. I have no doubt that the Fuehrer, as well as the Reich Marshal, have not changed their point of view, in particular, regarding the fact, that at the present there should be only legislation important in the cause of war, and that they will stress the fact that the Fuehrer himself and the Reich Cabinet should not be eliminated from the powers of legislation. It will have to be tested from time to time what measures will be reserved for the Reich Cabinet. My letter of 20 February 1940, and the opinions of the Fuehrer therein expressed may serve as a directive even if the limitations indicated by me are no longer applicable in their full meaning. I would therefore suggest not basing the discussions with the Reich Minister of Finance on the question of competency of the Reich Cabinet or the Council of Ministers for the Defence of the Reich, but on the question of whether it would be practical to achieve settlement through either Reich law or a Decree from the Council of Ministers for the defense of the Reich in the sense of the opinions voiced by the Fuehrer.

(signed) Dr. Lammers" (352-PS).

Other officials possessed legislative powers. Hitler was of course one. Goering, as Deputy of the Four Year Plan, could and did issue decrees with the effect of law. The Cabinet delegated power to issue laws deviating from existing law to the Plenipotentiaries of Economy and Administration and the Chief of the OKW, the so-called Three-Man College. This was done in the Secret Defense Law of 1938 (2194-PS). These three officials—

Frick, Funk, and Keitel—however, were also members of the Council of Ministers and of the ordinary cabinet as well. It can therefore be said, in the language of the Indictment, that the *Reichsregierung* “possessed * * * legislative * * * powers of a very high order in the system of the German government.”

The executive and administrative powers of the Reich were concentrated in the central government primarily as the result of two basic Nazi laws that reduced the separate states (called *Laender*) to mere geographical divisions. One was the law of 30 January 1934, known as the Law for the Reconstruction of the Reich (2006-PS). By that law the States were deprived of their independent status as States, their legislative assemblies were abolished, and their sovereign powers were transferred to the Reich. The other was the Reich Governor's Law, enacted by the Cabinet on 30 January 1935 (2008-PS), which made all Reich Governors (*Statthalters*) permanent delegates of and subject to the order of the cabinet and, more especially, of the Reich Minister of the Interior. As a result, the ordinary cabinet was possessed of wide powers, which are set forth in “Administration Law,” periodical published in 1944 which was edited by Dr. Wilhelm Stuckart, State Secretary in the Reich Ministry of the Interior, and Dr. Harry V. Rosen-v. Hoewel, an *Oberregierungstat* in the Reich Ministry of the Interior (2959-PS). The description of the powers and functions of all the ministries of the ordinary cabinet illustrates the extent of control vested in the *Reichsregierung*:

III. The Reich Ministers

“There are at present twenty-one Reich Ministers, namely:

“1. 15 Reich Ministers with a definite portfolio.

The Ministries of the Reich Ministers mentioned under 2, 6, 7, 8, 9, 10, 11, 12 are united with the corresponding Ministries of Prussia.

“1. The Reich Minister for Foreign Affairs (Foreign Office).

(a) He handles all matters touching on the relations of the Reich to foreign countries.

(b) Under him are the diplomatic and consular representatives as well as the Reich office for Foreign Trade.

“2. The Reich Minister of the Interior.

(a) To his portfolio belong general administration, local administration, police administration, administration of officials, public health, welfare, geodetic system, sport system and the Reich Labor Service.

(b) Under him are the general and internal administrations, for example, the Reich Governors, the state governments

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(*Landesregierung*) the superior Presidents, the governmental Presidents, as well as police officials and the Reich Labor Service.

Furthermore, there are under him numerous central intermediary boards, for example, the Reich Health Office, the Reich Archives, the Reich Genealogical Office.

"3. The Reich Minister for Public Enlightenment and Propaganda.

(a) To his portfolio belong the intellectual influences on the nation, recruiting for the state, culture and economics, and the instruction of domestic and foreign public opinion.

(b) Under him are, among other things, the Reich Propaganda Offices and the film censorship offices. Furthermore, he exercises supervision over the Reich Chamber of Culture, the Recruiting Council of German Economics, the Reich Radio Company, and the Institute of Politics (*Hochschule fuer Politik*).

"4. The Reich Minister of Aviation and Supreme Commander of the Air Force.

He administers civil and military aviation.

"5. The Reich Minister of Finances.

(a) To his portfolio belong the budget and financial system of the Reich, as well as the administration of taxes; monopolies, and tariffs.

(b) Under him are namely: the administration of taxes and tariffs, as well as the administration of Reich monopolies.

"6. The Reich Minister of Justice.

(a) He is in charge of all matters related to the judicial system.

(b) Under him are all judicial agencies and the Reich Patent Office.

"7. The Reich Ministry of Economics.

(a) To his portfolio belong the basic economic political questions of German economy, the supply of the civilian population with goods for consumption and the regulation of their distribution, the handling of foreign economic questions in the framework of policy on foreign trade of the Reich and the supreme supervision over the institutes of credit.

(b) Under him are the Reich administration of mines, the Reich office of Statistics, the Supervisory Office for Private Insurance, the Gau Chambers of Economy, the State Economic Offices, (*Landeswirtschaftsamt*) the Savings Banks, and the State Insurance Offices.

"8. The Reich Minister for Food and Agriculture.

(a) He is in charge of all farmers and of the agriculture, as well as the food administration.

(b) Under him are the State Food Offices (*Landesernährungsamt*) the State Administration of Large Estates (*Domänenverwaltung*) the Administration of Rural Affairs and the Agricultural Credit Offices. Furthermore, he exercises state supervision over the Reich Food Supply of which he is the leader."

* * * * *

"14. Reich Minister for Armament and War Production.

He has to bring to a level of highest production all offices active in producing arms and munitions. Furthermore, he is responsible for the field of raw materials and production in industry and manual labor.

"15. The Reich Minister for the Occupied Eastern Territories.

(a) He administers the recently occupied (i.e. former Soviet-Russian) Eastern territories, insofar as they are under civil administration and not subordinated to the Chief of Civil Administration for the district of Bialystok (cf. page 70) or insofar as they are incorporated in the General Gouvernement (cf. page 100).

(b) Under him are the Reich Commissars, the General Commissars, Head Commissars, and District Commissars, in the recently occupied Eastern territories." (2959-PS)

Other important powers and functions contained in the ordinary cabinet were not included in the foregoing list. For example, upon the creation of the People's Court on 24 April 1934, it was placed within the jurisdiction of the Ministry of Justice (2014-PS). With the acquisition and occupation of new territories, the integration and coordination thereof were placed within the Ministry of the Interior. The Reich Minister of the Interior, Frick, (in some cases in cooperation with other Reich Ministers) was, by law, given regulatory powers over such territories. The territory and the applicable law may be listed as follows:

- (1) The Saar (1935, *Reichsgesetzblatt*, Part I, page 66).
- (2) Austria (1938, *Reichsgesetzblatt*, Part I, page 237).
- (3) Memel (1939, *Reichsgesetzblatt*, Part I, page 54).
- (4) Bohemia and Moravia (1939, *Reichsgesetzblatt*, Part I, page 485).
- (5) Sudetenland (1939, *Reichsgesetzblatt*, Part I, page 780).
- (6) Danzig (1939, *Reichsgesetzblatt*, Part I, page 1547).

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(7) Incorporated Poland (1939, *Reichsgesetzblatt*, Part I, page 2042).

(8) Occupied Poland (1939, *Reichsgesetzblatt*, Part I, page 2077).

(9) Eupen, Malmedy and Moresnet (1940, *Reichsgesetzblatt*, Part I, page 803).

(10) Norway (1941, *Reichsgesetzblatt*, Part I, page 765).

Such were the powers and functions of the ordinary cabinet.

(2) *The Secret Cabinet Council.* Of the other two subdivisions of the *Reichsregierung*—the Secret Cabinet Council and the Ministerial Council—the Secret Cabinet Council had no legislative or administrative powers. It was created by Hitler on 4 February 1938

“To advise me in conducting the foreign policy * * *.”
(2031-PS)

Its position in the Nazi regime is described by Ernst Rudolf Huber, a leading Nazi Constitutional Lawyer, in his book entitled “*Verfassungsrecht des Grossdeutschen Reiches*” (“Constitutional Law of the Greater German Reich”). In this book, which was an authoritative, widely used work on Nazi Constitutional Law, Huber States (1774-PS):

“A privy cabinet council, to advise the Fuehrer in the basic problems of foreign policy, has been created by the decree of 4 February 1938 (*RGBL* I, 112). This privy cabinet council is under the direction of Reich Minister v. Neurath, and includes the Foreign Minister, the Air Minister, the Deputy Commander for the Fuehrer, the Propaganda Minister, the Chief of the Reich Chancellery, the Commanders-in-Chief of the Supreme Command of the Armed Forces. The privy cabinet council constitutes a select staff of collaborators of the Fuehrer which consists exclusively of members of the Government of the Reich; thus, it represents a select committee of the Reich Government for the deliberation on foreign affairs.” (1774-PS)

(3) *The Council of Ministers for the Defense of the Reich.* The powers concentrated in the Ministerial Council, which did possess legislative and administrative functions, at its creation in 1939, are best expressed by the lecture which Frick gave before the University of Freiburg on 7 March 1940. The lecture, published in a pamphlet entitled “The Administration in Wartime,” contains these statements (2608-PS):

“* * * The composition of the Ministerial Council for

the defense of the Reich shows the real concentration of power in it. General Field Marshal Goering is the chairman and also the Supreme Director of the War Economy and Commissioner for the Four Year Plan. He is joined by the Plenipotentiary General for the Reich Administration, who directs the entire civilian administration with the exception of the economic administration, and the Plenipotentiary General for Economy. The Chief of the High Command of the Armed Forces is the liaison man to the Armed Forces. It is primarily his duty to coordinate the measures for civilian defense in the area of administration and economy with the genuine military measures for the defense of the Reich. The Deputy of the Fuehrer represents the Party, thus guaranteeing the unity between Party and State also within the Ministerial Council for the Defense of the Reich. The Reich Minister and Chief of the Reich Chancellery is in charge of the business management of the Ministerial Council for the Defense of the Reich."

* * * * *

"The Ministerial Council for the Defense of the Reich, the highest legislative and executive organ in wartime next to the Fuehrer, created a subordinate organ for the purpose of the defense of the Reich: The Commissioners for the Reich Defense, who have their headquarters at the seat of the individual corps area." (2608-PS)

With such power concentrated in the *Reichsregierung* and to such a high degree, the Nazi conspirators possessed a formidable weapon to effectuate their plans.

D. Acts and Decrees of the *Reichsregierung*.

Under the Nazi regime the *Reichsregierung* became the instrument of the Nazi party.

(1) *Execution of the Nazi Party Program.* In the original Cabinet of 30 January 1933 only three cabinet members were members of the Party—Goering, Frick, and Hitler. As new Ministries were added to the Cabinet, prominent Nazis were placed at their head. On 30 January, 1937, Hitler accepted into the Party those Cabinet members who were not already members. This action is reported in the *Voelkischer Beobachter*, South German Edition, of 1 February 1937 (2964-PS):

"In view of the anticipated lifting of the ban for party membership, the Fuehrer, as the first step in this regard, personally carried out the enlistment into the party of the

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members of the Cabinet, who so far had not belonged to it and he handed them simultaneously the Gold Party Badge, the supreme badge of honor of the party. In addition, the Fuehrer awarded the Gold Party Badge to Generaloberst Freiherr von Fritsch; Generaladmiral Dr. H. C. Raeder; the Prussian Minister of Finance, Professor Popitz; and the Secretary of State and Chief of the Presidential Chancellery, Dr. Meissner.

"The Fuehrer also honored with the gold party badge the party members State Secretary Dr. Lammers, State Secretary Funk, State Secretary Koerner and State Secretary General of the Airforce Milch." (2964-PS)

It was possible to refuse the party membership thus conferred. Only one man, von Eltz-Rubenach, who was the Minister of Post and Minister of Transport at the time, did this. His letter from von Eltz-Rubenach to Hitler, dated 30 January 1937, reads as follows (1534-PS):

"My Fuehrer:

"I thank you for the confidence you have placed in me during the four years of your leadership and for the honor you do me in offering to admit me to the party. My conscience forbids me however to accept this offer. I believe in the principles of positive Christianity and must remain faithful to my Lord and to myself. Party membership however would mean that I should have to face without contradiction the steadily aggravating attacks by party offices on the Christian confessions and those who want to remain faithful to their religious convictions.

"This decision has been infinitely difficult for me. For never in my life have I performed my duty with greater joy and satisfaction than under your wise state leadership.

"I ask to be permitted to resign.

"With German Greetings:

Yours very obediently,

"(signed) Baron v. Eltz" (1534-PS).

But the Nazis did not wait until all members of the cabinet were party members. Shortly after they came to power, they quickly assured themselves of active participation in the work of the Cabinet. On 1 December 1933, the Cabinet passed a law securing the unity of party and state (1395-PS). In Article 2 of that law the Deputy of the Fuehrer, Hess, and the Chief of Staff of the SA, Roehm, were made members of the Cabinet (1395-PS). Lest mere membership in the Cabinet would not be effective, Hitler endowed his deputy with greater powers of participation. An

unpublished decree signed by Hitler, dated 27 July 1934, and addressed to the Reich Ministers, provides (*D-138*):

"I decree that the Deputy of the Fuehrer, Reich Minister Hess, will have the capacity of a participating Reich Minister in connection with the preparation of drafts for laws in all Reich Administrative spheres. All legislative work is to be sent to him when it is received by the other Reich Minister concerned. This also applies in cases where no one else participates except the Reich Minister making the draft. Reich Minister Hess will be given the opportunity to comment on drafts suggested by experts.

"This order will apply in the same sense to legislative ordinances. The Deputy of the Fuehrer in his capacity of Reich Minister can send as representative an expert on his staff. These experts are entitled to make statements to the Reich Ministers on his behalf.

"[signed] Adolph Hitler" (*D-138*).

Hess himself made pertinent comment on his right of participation on behalf of the party, in a letter dated 9 October 1934, on the stationery of the NSDAP, addressed to the Reich Minister for Enlightenment of the People and Propaganda (*D-139*):

"By a decree of the Fuehrer dated 27 July 1934, I have been granted the right to participate in the legislation of the Reich as regards both formal laws and legal ordinances. This right must not be rendered illusory by the fact that I am sent the drafts of laws and decrees so late and am then given a limited time, so that it becomes impossible for me to deal with the material concerned during the given time. I must point out that my participation means the taking into account of the opinion of the NSDAP as such, and that in the case of the majority of drafts of laws and decrees, consult with the appropriate departments of the Party before making my comment. Only by proceeding in this manner can I do justice to the wish of the Fuehrer as expressed in the decree of the Fuehrer of 27 July 1934.

"I must therefore ask the Reich Ministers to arrange that drafts of laws and decrees reach me in sufficient time. Failing this, I would be obliged in future to refuse my agreement to such drafts from the beginning and without giving the matter detailed attention, in all cases where I am not given a sufficiently long period for dealing with them.

"Heil,

"[signed] R. Hess." (*D-139*).

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A handwritten note attached to the letter reads:

"1. The identical letter seems to have been addressed to all Reich Ministers. In our special field the decree of 27 July 1934 has hardly become applicable so far. A reply does not seem called for.

"2. File in file 7B (?)

"[signed] "R" (D-139).

The participating powers of Hess were later broadened, according to a letter dated 12 April 1938 from Doctor Lammers to the Reich Ministers (D-140):

"* * * The Deputy of the Fuehrer will also have participation where the Reich Ministers give their agreement to the State Laws and legislative ordinances of States under paragraph 3 of the first decree concerning reconstruction of the Reich of Feb 2nd 1934 (Reich Law Gazette I 81). Where the Reich Ministers have already, at an earlier date been engaged in the preparation of such laws or legislative ordinances, or have participated in such preparation, the Deputy of the Fuehrer likewise becomes participating Reich Minister. Laws and legislative decrees of the Austrian State are equally affected hereby.

"[signed] Dr. LAMMERS" (D-140).

After Hess' flight to England, Bormann, as Leader of the Party Chancellery, took over the same functions. He was given the authority of a Reich Minister and made a member of the cabinet. (2099-PS)

The Nazi constitutional lawyer, Ernst Rudolf Huber, has this to say about the unity of party and Cabinet (1774-PS):

"Unity of party and Reich-Cabinet (*Reichsregierung*) is furthermore secured by the numerous personal unions i.e. association of Central State Offices with corresponding party offices. Such personal unions exist in the cases of Food Minister and the Propaganda Minister, the Chief of the German Police and the Reich Labor Leader, the Chief of the Organization in foreign countries, and the Reich Youth Fuehrer. Furthermore, the majority of the Reich Ministries is occupied by leading old party members. Finally, all Reich Ministers have been accepted by the party on 30 January 1937 and have been decorated with golden party insignia." (1774-PS)

In 1943, out of 16 Reich Leaders (*Reichsleiter*s) of the NSDAP, eight were members of the Cabinet: Martin Bormann; Walter Darre, Otto Dietrich; Wilhelm Frick; Paul Josef Goebbels; Con-

stantin Hierl; Heinrich Himmler; Alfred Rosenberg (2473-PS). Through its domination of the Cabinet the Nazi Party strove to secure the fulfilment of its program under a facade of legality.

(a) *Decrees of the Ordinary Cabinet.* To the Nazi Cabinet, the Nazi Party program of 25 points (1708-PS) was more than a mere political platform; it was a mandate for action. And the Cabinet acted.

Point 1 of this program declared:

"We demand the inclusion of all Germans in a greater Germany on the grounds of the right of self-determination."
(1708-PS)

In implication of this demand the Nazi Cabinet enacted, among others, the following laws: the law of 3 February 1938 concerning the obligation of German citizens in foreign countries to register (1938 *Reichsgesetzblatt*, Part I, page 113); the law of 13 March 1938 for the reunion of Austria with Germany (1938 *Reichsgesetzblatt*, Part I, page 237) (2307-PS); the law of November 1938 for the reintegration of the German Sudetenland with Germany (1938 *Reichsgesetzblatt*, Part I, page 1641); the law of 23 March 1939 for the reintegration of Memel in Germany (1939 *Reichsgesetzblatt*, Part I, page 559).

Point 2 of the Party platform stated in part:

"We demand * * * the cancellation of the treaties of Versailles and St. Germain." (1708-PS)

The following acts of the Cabinet supported this part of the program: The proclamation of 14 October 1933 to the German people concerning Germany's withdrawal from the League of Nations and the Disarmament Conference (1933 *Reichsgesetzblatt*, Part I, page 730); the proclamation and law of 16 March 1935, for the establishment of the *Wehrmacht* and compulsory military service (1935 *Reichsgesetzblatt*, Part I, pages 369, 375) (1654-PS); and the defense law of 21 May 1935 implementing the last-named law (1935 *Reichsgesetzblatt*, Part I, page 609).

Point 4 of the Party platform read as follows:

"Only those who are members of the 'Volk' can be citizens. Only those who are of German blood, without regard to religion, can be members of the 'Volk'. No Jew, therefore, can be a member of the 'Volk'." (1708-PS)

Among the cabinet laws which implemented this point were these: the law of 14 July 1933 for the recall of naturalization and the deprivation of citizenship (1933 *Reichsgesetzblatt*, Part I, page 480); the law of 7 April 1933 permitting persons of non-Aryan descent to be refused permission to practice law (1933 *Reichs-*

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gesetzblatt, Part I, page 188) (1401-PS); the law of 25 April 1933 restricting the number of non-Aryans in schools and higher institutions (1933 *Reichsgesetzblatt*, Part I, page 225) (2022-PS); the law of 29 September 1933 excluding persons of Jewish blood from the peasantry (1933 *Reichsgesetzblatt*, Part I, page 685) (1402-PS); the law of 26 June 1936, forbidding people of Jewish blood to hold positions of authority in the army (1936 *Reichsgesetzblatt*, Part I, page 518) (1398-PS); the law of 19 March 1937 excluding Jews from the Reich Labor Service (1937 *Reichsgesetzblatt*, Part I, page 325); the law of 28 March 1938 on the legal status of Jewish religious communities (1938 *Reichsgesetzblatt*, Part I, page 338); and the law of 6 July 1938 prohibiting Jews from participating in six different types of business (1938 *Reichsgesetzblatt*, Part I, page 823).

Point 23 of the platform proclaimed:

"We demand legislative action against conscious political lies and their broadcasting through the press." (1708-PS)

To carry out this point numerous Cabinet laws were passed, of which the following are merely examples: the law of 22 September 1933 for the establishment of the Reich Culture Chamber (1933 *Reichsgesetzblatt*, Part I, page 661) (2082-PS); the law of 4 October, 1933 regarding editors (1933 *Reichsgesetzblatt*, Part I, page 713) (2083-PS); and the law of 15 May 1934 regarding the theater (1934 *Reichsgesetzblatt*, Part I, page 411).

All the laws referred to above and hereafter were enacted specifically in the name of the Cabinet (*Reichsregierung*). A typical introductory paragraph reads:

"The Reich Cabinet (*die Reichsregierung*) has enacted the following law which is hereby promulgated. * * *"
[Law of 1 August 1934, 1934 *Reichsgesetzblatt*, Part I, page 747]. (2003-PS)

In furtherance of the Nazi plans to acquire totalitarian control of Germany (cf. Section 1-2 of Chapter VII), the Cabinet passed the following laws: Law of 26 May 1933, providing for the confiscation of Communist property (1933 *Reichsgesetzblatt*, Part I, page 293) (1396-PS); Law of 14 July 1933 against the new establishment of parties (1933 *Reichsgesetzblatt*, Part I, page 479); Law of 14 July 1933 providing for the confiscation of property of Social Democrats and others (1933 *Reichsgesetzblatt*, Part I, page 479) (1388-PS); and Law of 1 December 1933 securing the unity of party and state (1933 *Reichsgesetzblatt*, Part I, page 1016. (1395-PS)

In the course of consolidating Nazi control of Germany, (cf.

Section 3 of Chapter VII) the following laws were enacted by the Cabinet: Decree of the Cabinet, 21 March 1933, creating special courts (1933 *Reichsgesetzblatt*, Part I, page 136) (2076-PS); Law of 31 March 1933 for the integration of States into the Reich (1933 *Reichsgesetzblatt*, Part I, page 153) (2004-PS); Law of 7 April 1933 for the reestablishment of the Professional Civil Service (1933 *Reichsgesetzblatt*, Part I, page 175) (1397-PS); Law of 7 April 1933 for the integration of states into the Reich (1933 *Reichsgesetzblatt*, Part I, page 173) (2005-PS); Law of 30 June 1933 eliminating non-Aryan civil servants or civil servants married to non-Aryans (1933 *Reichsgesetzblatt*, Part I, page 433) (1400-PS); Law of 20 July 1933 providing for the discharge of Communist officials (1933 *Reichsgesetzblatt*, Part I, page 518) (1398-PS); Law of 24 April 1934 creating the People's Court (1934 *Reichsgesetzblatt*, Part I, page 341) (2014-PS); Law of 1 August 1934 uniting the office of President and Chancellor (1934 *Reichsgesetzblatt*, Part I, page 747) (2003-PS); Law of 30 January 1935, Reich Governors Law, further reducing the independence of the states (1935 *Reichsgesetzblatt*, Part I, page 65); Law of 30 January 1935 providing for the abolition of representatives or deliberative bodies in the municipalities (1935 *Reichsgesetzblatt*, Part I, page 49) (2008-PS); Law of 26 January 1937, the comprehensive civil service law (1937 *Reichsgesetzblatt*, Part I, page 39); and Law of 18 March 1938 providing for the submission of one list of candidates to the electorate for the entire Reich (1938 *Reichsgesetzblatt*, Part I, page 258). (2355-PS)

Nazi extermination of political internal resistance in Germany, through the purge of political opponents and through acts of terror, (cf. Section 4 of Chapter VII), was facilitated and legalized by the following Cabinet laws: Law of 14 July 1933 against the new establishment of parties (containing a penal clause) (1933 *Reichsgesetzblatt*, Part I, page 479) (1388-PS); Law of 3 July 1934 concerning measures for emergency defense of the State (legalizing the Roehm purge) (1934 *Reichsgesetzblatt*, Part I, page 529) (2057-PS); Law of 20 December 1934 on treacherous acts against state and party and for the protection of party uniforms (1934 *Reichsgesetzblatt*, Part I, page 1269) (1393-PS); Law of 24 April 1934 making the creation of new or continuance of existing parties an act of treason (1934 *Reichsgesetzblatt*, Part I, page 341) (2014-PS); Law of 28 June 1935 changing the Penal Code permitting punishment under analogous law (1935 *Reichsgesetzblatt*, Part I, page 839) (1962-PS); Law of 16 September

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1939 permitting second prosecution of an acquitted person before a special court, the members of which were named by Hitler (1939 *Reichsgesetzblatt*, Part I, page 1841). (2550-PS)

The destruction of the free trade unions in Germany, (cf. Section 5 of Chapter VII), was made possible by the following Cabinet laws: Law of 4 April 1933 concerning factory representative councils and economic organizations (controlling employee representation) (1933 *Reichsgesetzblatt*, Part I, page 161) (1770-PS); Law of 19 May 1933 concerning Trustees of Labor (abolishing collective bargaining) (1933 *Reichsgesetzblatt*, Part I, page 285) (405-PS); Law of 20 January 1934 regulating National Labor (introducing leadership principle into industrial relations) (1934 *Reichsgesetzblatt*, Part I, page 45) (1861-PS); and Law of 26 June 1935 establishing Reich Labor Service (compulsory labor service) (1935 *Reichsgesetzblatt*, Part I, page 769). (1389-PS)

Even the anti-Jewish Nurnberg laws of 15 September 1935, although technically passed by the Reichstag, were nevertheless worked out by the Ministry of the Interior. Dr. Franz A. Medicus, who served as *Ministerialdirigent* in the Ministry of the Interior, made this statement in a book published in 1940 (2960-PS):

“* * * The work of the Reich Ministry of Interior forms the basis for the three Nurnberg Laws passed by a resolution of the Reichstag on the occasion of the Reich party meeting of Freedom.

“The ‘Reich Citizenship Law’ as well as the ‘Law for the protection of German blood and German honor’ (Blood Protection Law) opened extensive tasks for the Ministry of Interior not only in the field of administration. The same applies to the ‘Reich Flag Law’ that gives the foundation for the complete re-organization of the use of the flag

* * *” (2960-PS).

(b) *Decrees of The Council of Ministers.* Decrees of the Council of Ministers similarly supplied the “legal” basis for other criminal actions of the Nazi conspirators. Among these laws are the following: Decree of 5 August 1940 imposing a discriminatory tax on Polish workers in Germany (1940 *Reichsgesetzblatt*, Part I, page 1077); Decree of 4 December 1941 regarding penal measures against Jews and Poles in the occupied Eastern Territories (1941 *Reichsgesetzblatt*, Part I, page 759) (2746-PS); and Decree of 30 June 1942 concerning

the employment of Eastern Workers (1942 *Reichsgesetzblatt*, Part I, page 419). (2039-PS)

Almost immediately upon Hitler's coming to power, the Cabinet participated in the Nazi conspiracy to wage aggressive war. This fact appears clearly from the minutes of the second session of the working committee of the Delegates for Reich Defense, dated 22 May 1933 and signed by Keitel (*EC-177*); from a letter dated 24 June 1935 and signed by von Blomberg, the Reichs Minister of War, which transmits a copy of the secret, unpublished Reich Defense Law of 21 May 1935 and also a copy of the decision of the Reich Cabinet of 21 May 1935 in the Council for the Defense of the Reich (2261-PS); and from a letter dated 5 September 1939 transmitting a copy of the secret, unpublished Reich Defense Law of 4 September 1938 (a note dated 4 September 1938 attached to this law states that the Reich Defense law of 21 May 1935 and the decisions of the Cabinet previously mentioned are repeated) (2194-PS). These three documents, important in the conspiracy to wage aggressive war emphasize the participation of the Reich Cabinet and Reich Ministers, through legislative enactments, in the conspiracy.

The Reich Defense Council was a creation of the Cabinet. On 4 April 1933 the Cabinet decided to form that agency (2261-PS). The circumstances of its creation were discussed at the meeting of 22 May 1933 (*EC-177*):

"Thoughts about a Reich Defense Council"

"All great European powers which are at freedom to arm, have a RVR. One does not have to refer to history to prove the necessity of this institution. The war has shown conclusively that the cooperation with the various ministries has not been close enough. The consequences did not fail to materialize. The soldier is not in a position to have a say in all matters. The disadvantages of the past system were caused by parallel efforts of the various ministries in matters of the Reich defense. To avoid these mistakes a *central agency* has been created which occupies itself already in peacetime in the widest sense with the problems of Reich Defense. This working staff will continue its existence in time of war.

"In accordance with the cabinet decision of the 4 April 1933 the Reich Defense Council, which until now had been prepared for war emergency, will go into immediate action.

"In time of peace its task will be to decide about all measures for the preparation of the defense of the Reich, while survey-

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ing and utilizing all powers and means of the nation.”
(EC-177)

The composition of the Reich Defense Council is thereupon set out. Hitler was President; the Minister of Defense was his deputy; and he, plus six more ministers (there were only ten at that time) and the Chiefs of the Army and Navy Command Staffs were permanent members. The remaining ministers, as well as “leading industrialists”, were subject to call. Of the defendants who were then members of the Council, there was von Neurath as Foreign Affairs Minister; Frick as Interior Minister, Goering as Air Minister; and Raeder as Chief of the Navy Command Staff. (EC-177)

The presence of Cabinet ministers was indispensable. The cabinet by that time could legislate for the Reich. It had a definite role to play in this planning, as Keitel pointed out (EC-177):

“Col. Keitel:—Points out once more the urgency of the tasks, since it had been possible to do only very little in this connection during the last years. He asks the delegates to consider the Reich Defense at all times and represent it accordingly at the drafting of new laws. Experiences of the wars are available and are at the disposal of the various ministries; (e.g. Reich Archives, Memorandum of an administrative official about gasoline supply). All these sources must be taken advantage of for the future. The task of the full time delegates is also to bring about a close cooperation of the ministries with each other.” (EC-177)

Each separate ministry, moreover, was scheduled for a definite task.

“* * * In the work plans the questions and ideas are laid down, which have come up in the *Reichswehr* Ministry and must be considered in case of mobilization. Up to the present time the support on the part of other Ministries was frequently based only on personal helpfulness since any authority from above was lacking. The following work plans are finished.

“a. Work Plan for the Reich Ministry of Economics.

Work Plan for the Reich Ministry of Food and Agriculture.

Work Plan for the Reich Ministry of Labor.

“These three are composed in one work plan for the preparation of a war economy.

“b. Work Plan for the Reich Postal Ministry.

"c. Work Plan for the Reich Traffic Ministry.

"Request the plans to be worked through carefully by the competent Ministries. The plans will be discussed beginning of June, when proposals for improvements may be made. The other Ministries which have no work plans yet will receive them later on. The Office of Air Raid Protection will work out a work plan in conjunction with the Reich Commissariat for Aviation." (EC-177)

The secrecy of all undertakings was stressed:

"Security and Secrecy."

"Question has been brought up by the Reich Ministries.

"The secrecy of all Reich Defense work has to be maintained very carefully. Communications with the outside by *messenger service* only, has been settled already with the Post Office, Finance Ministry, Prussian Ministry of the Interior and the Reichswehr Ministry. *Main Principle of security:* No document must be lost since, otherwise, the enemy propaganda would make use of it. Matters communicated orally cannot be proven; they can be denied by us in Geneva. Therefore, the *Reichswehr* Ministry has worked out security directives for the Reich Ministries and the Prussian Ministry of the Interior." (EC-177)

As time went on and greater concentration of power was needed, the Cabinet made changes and additions to this secret war planning body. Article 6 of the Secret Defense Law of 1935 (2261-PS) provided:

"(1) The Fuehrer and Reichschancellor will appoint a plenipotentiary-general for war economy to direct the entire war economy.

"(2) It is the task of the plenipotentiary-general for war economy to put all economic forces in the service of carrying on the war and to secure the life of the German people economically.

"(3) Subordinate to him are:

The Reichsminister for Economy.

The Reichsminister for Food and Agriculture.

The Reichs Labor Minister.

The Reichs Forest Master, and all Reichs' agencies immediately subordinate to the Fuehrer and Reichschancellor. Furthermore the financing of the war effort (in the province of the Reichs Finance Ministry and of the Reichsbank) will be carried on under his responsibility.

"(4) The Plenipotentiary-General for War Economy is au-

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thorized, within his realm of responsibility to issue legal regulations, which may deviate from the existing laws." (2261-PS)

Schacht was named as Plenipotentiary for War Economy. It will be noted that the Reich Ministers for Food and Agriculture and for Labor, and the Reichs Forest Master (who by this time had Cabinet rank) had not been included in the original membership of the Reichs Defense Council. Darré was Minister for Food and Agriculture, Seldte for Labor, and Goering was Reich Forest Master.

On the same day the Law was passed, the Cabinet made these decisions covering the newly-created Plenipotentiary-General for War Economy (EC-177):

"1. The Plenipotentiary-General for War Economy appointed by the Fuehrer and Reichschancellor will begin his work already in peacetime * * *.

"2. The Reichsminister of War and the Plenipotentiary for War Economy will effect the preparations for mobilization in closest cooperation on both sides.

"3. The Plenipotentiary-General for War Economy will be a permanent member of the Reich Defense Council (*Reichsverteidigungsrat*). Within the working committee he represents through his leadership staff the interests of war economy." (EC-177)

The complete reorganization of this Reich Defense Council took place in 1938, under the Secret Defense Law of 4th September of that year. By that time, there had been a reorganization of the Armed Forces: the chief of the OKW had been created and the War Ministry had been abolished (2194-PS). The Reich Defense Council in 1938 was composed of Goering, as permanent deputy and Minister of Air and Supreme Commander of the Air Force; Raeder as Supreme Commander of the Navy; Hess as Deputy of the Fuehrer; von Neurath as President of the Secret Cabinet Council; Frick as Plenipotentiary for the Reich Administration; Keitel as Chief of the OKW; Funk as Plenipotentiary for Economics; Ribbentrop as Minister of Foreign Affairs; Schacht as President of the Reichsbank directorate (2261-PS). An important part of the Reich Defense Council was the Working Committee. The minutes of the twelfth meeting of the Reich Defense Working Committee, on 14 May 1936, read (EC-407):

"1. *The National Minister of War and Supreme Commander of the Armed Forces*, General Field Marshal von Blomberg, opened the 12th meeting of the Reichs Defense Committee

by expressing thanks for the work accomplished and pointing out in principle the necessity of a preparation for a total mobilization with emphasis on the most important measures to be taken at this time. (Among others; mobilization schedule, legal basis, preparations in the remilitarized zone.) He further indicates the assignment of the national resources (*Reichsressort*) to finance its measures for preparation of the Reichs defense out of its budget.

"2. The chairman of the Reichs Defense Committee, Lieutenant General Keitel, states:

"In todays and future meetings of the Reichs Defense Committee a cross section of the general situation concerning all matters of the national defense is presented. The picture of the situation does not appear in the reports of the meetings.

"The open discussion of State secrets before our large committee gives the special obligation to the chairman of the Reichs Defense Committee of pointing out its *secrecy*.

"Todays sessions takes place under the auspices of the restoration of the State authority in the demilitarized zone.

"The difficulties of the economic situation, which are presented today, must be mastered." (EC-407)

This Working Committee was still functioning in 1939. The Mobilization Book for Civil Administration of 1939 states, in part (1639-A-PS):

"D. *Terms for Mobilization Preparations by the Civil Administration.*

"The acceptance of all new measures in the Mobilization Book for Civil Administration must be requested from the Chief of the Reich Defense Committee (Department of State Defense in the Armed Forces High Command)." (1639-A-PS)

The composition of the Working Committee was redefined by the Secret Law of 1938 as follows (2194-PS):

"The Reich Defense Committee [*Reichsverteidigungsausschuss*] (RVA):

"(1) The Reich Defense Committee is the working Committee of the RVR. It prepares the decisions of the RVR, sees to their execution, and secures collaboration between armed forces, chief Reich offices, and party.

"(2) Presiding is the chief of the OKW. He regulates the activity of the committee and gives the directions to the GBV and CBW and to the Reich ministries not subordinated to them and to the chief Reich offices according to the decisions

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of the RVR, which directions are necessary for securing their uniform execution.

"(3) The RVA is composed of the OKW, deputy of the commissioner for the four year plan, the leader staffs of the GBV and GBW, and the Reich Defense officials.

"(4) Chief office officials for the Reich defense (*RV-Referenten*) and their deputies are commissioned by the deputy of the leader, by the Reich Chancellery, by each Reich Ministry, by the Reich Leader of the SS and chief of the German police, by the Reich work leaders, by the Reich Forest Master, by the Chief Inspector for the German Road Net, by the Reich Office for Regional Order, by the Reichsbank directorate, and in the Prussian state ministry. RV-Referent and his deputy are immediately subordinate to the minister or the state secretary, and to the chief of the Reich office, resp." (2194-PS)

The GBV and the GBW mentioned in the portion quoted above are, respectively, the Plenipotentiaries for Administration and for Economy. Under them were grouped other ministries, some of which were already permanent members of the Council. By paragraph 3 of the Secret Law the following were made subordinate to the Plenipotentiary for Administration: the Ministers of the Interior, Justice, Science and Education, Churches; the Reich Authority for Spatial Planning; and, for limited purposes, the Minister of Finance. Subordinate to and under the direction of the Plenipotentiary for Economy (a position formerly held by Schacht under the title "War Economy" and later held by Funk) were the ministers of Economics, Food, Agriculture, Labor, and for limited purposes, the Reich Finance Ministry and the Reichsbank; the Reich Forest Master; and the Commissioner for Price Control from the 4-Year Plan.

Paragraph 5 of the law (2194-PS) shows that subordinated to the Chief of the OKW were the Reich Postal Minister, the Reich Transportation Minister, and the General Inspector for German Highways.

This concentration of power by the Cabinet was for one purpose only: to plan secretly with the strongest means at hand for the waging of aggressive war. Further evidence of this objective is contained in an affidavit by Frick covering the place, activities, and scope of the Reich Defense Council, including the Three-Man College (2986-PS):

"I, Wilhelm Frick, being first duly sworn, depose and say: "I was Plenipotentiary for Reich Administration (*Generalbevollmaechtigter fuer die Reichsverwaltung*) from the time when this office was created, until 20 August 1943. Hein-

rich Himmler was my deputy in this capacity. Before the outbreak of the war my task as Plenipotentiary for Reich Administration was the preparation of organization in the event of war, such as, for instance, the appointment of liaison men in the different ministries who would keep in touch with me. As Plenipotentiary for Reich Administration, I, together with the Plenipotentiary for Economy and OKW formed what was called a '3-Man College' (*Dreierkollegium*). We also were members of the Reich defense Council (*Reichsverteidigungsrat*), which was supposed to plan preparations and decrees in case of war which later on were published by the Ministerial Council for the Defense of the Reich. Since, as soon as the war started, everything had to be done speedily and there would have been no time for planning, such measures and decrees were prepared in advance in case of war. All one then still had to do was to pull out of the drawer the war orders that had been prepared. Later on, after the outbreak of the war, these decrees were enacted by the Ministerial Council for the defense of the Reich.

"(Signed) Dr. Wilhelm Frick" (2986-PS).

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4. THE STURMABTEILUNG (SA)

The *Sturmabteilung*, or SA, is the organization which the world remembers as the "Brown Shirts" or Storm Troops—the gangsters of the early days of Nazi terrorism. Since it was the first of the organizations created by the Nazis as instru-

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ments to effectuate their illegal objectives, the SA occupied a place of peculiar importance in the scheme of the conspirators. Unlike some of the other organizations, the functions of the SA were not fixed or static. The SA was an agency adapted to many designs and purposes, and its role in the conspiracy changed from time to time various phases toward the final objective—abrogation of the Versailles Treaty and acquisition of the territory of other peoples and nations. If the conspiracy is likened to a pattern, with its various parts fitting together like the pieces of a jig-saw puzzle, the piece representing the SA would be found to constitute the essential link in the pattern.

The SA participated in the conspiracy as a distinct and separate unit, having a legal character of its own. An ordinance passed in March, 1935, provided that the SA and certain other agencies were thereafter to be considered "components" of the Nazi Party (1725-PS). This ordinance further provided, in Article 5, that:

"* * * The affiliated organizations can possess their own legal character." (1725-PS)

Similarly, the 1943 Organization Book of the Nazi Party which characterizes the SA as an "entity," declares:

"The Fuehrer prescribes the law of conduct; he commands its use. The Chief of Staff represents the SA as a complete entity on the mandate of the Fuehrer." (3220-PS)

While the SA was composed of many individual members, they acted as a unit. They were closely bound together by many common factors, including uniform membership standards and disciplinary regulations; a common and distinctive uniform; common aims and objectives; common activities, duties, and responsibilities; and a fanatical adherence to the ideologies conceived by the Nazis. Although membership in the SA was voluntary, the SA man was expected to withdraw if

"he can no longer agree with SA views or if he is not in a position to fulfill completely the duties imposed upon him as a member of the SA." (2354-PS)

The SA man was well schooled in the philosophies and activities which he was required to adopt in his daily life. Uniformity of action and thought in such matters was in part obtained by the publication and distribution of a weekly periodical entitled "*Der SA-Mann*." This publication was principally devoted to fostering various aspects of Nazi ideology. In addition, "*Der SA-Mann*" reported upon the activities of the SA and its constituent groups.

The SA developed from scattered bands of street ruffians into

a cohesive unit organized on a military basis, with military training and military functions, and with an aggressive spirit and philosophy. The organization extended throughout the entire Reich and was organized vertically into local subdivisions. Horizontally, there were special units including military, cavalry, communications, engineer, and medical units. These various groups and branches were coordinated by the SA Headquarters and operational offices, located in Munich.

A. The Relationship Between The SA and The Nazi Party.

The affiliation between the SA and the Nazi leaders was closely maintained, for the purpose of enabling the conspirators to employ the SA for any activity necessary in effectuating the objectives of the conspiracy. The SA was conceived and created by Hitler, in 1921, at the very inception of the conspiracy. Hitler retained the direction of the SA throughout the conspiracy, delegating responsibility for its leadership to a Chief of Staff. Goering was an early leader of the SA, and maintained close connection with it throughout the conspiracy. Hess participated in many of the early battles of the SA and was leader of an SA group in Munich. Frank, Streicher, von Schirach, and Sauckel each held the position of *Obergruppenfuehrer* in the SA, a position corresponding to the rank of Lieutenant General; and Bormann was a member of the Staff of the SA High Command.

The close relationship between the SA and leaders of the Nazi Party is demonstrated by the fact that the *Hoheitstraeger* (Bearers of Sovereignty) of the Nazi Leadership Corps were authorized to call upon the SA for assistance in carrying out particular phases of the Party program. For example, at page 71 of the Organization Book of the Nazi Party (1943 edition) the following statement is made (1893-PS):

"The *Hoheitstraeger* is responsible for the entire political appearance of the Movement within this zone. The SA leader of that zone is tied to the directives of the *Hoheitstraeger* in that respect.

"The *Hoheitstraeger* is the ranking representative of the Party to include all organizations within his zone. He may requisition the SA located within his zone for the respective SA leader if they are needed for the execution of a political mission. The *Hoheitstraeger* will then assign the mission to the SA * * *.

"Should the *Hoheitstraeger* need more SA for the execution of political mission than is locally available, he then applies to

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the next higher office of sovereignty which, in turn, requests the SA from the SA office in his sector." (1893-PS)

This close relationship is further shown by an ordinance for the execution of a Hitler decree (2383-PS):

"The leader of affiliated organizations, as well as the leaders of the party women's organization, are subordinate to the sovereign bearer (*Hoheitstraeger*) politically, functionally, disciplinarily, and personally."

* * * * *

"The formations of the NSDAP, with exception of the SS, for whom special provisions apply, are subordinated to the sovereign bearer (*Hoheitstraeger*) politically and in respect to commitment. Responsibility for the leadership of the units rests in the hands of the unit leader." (2383-PS)

It was in compliance with the authority of the Leadership Corps that the SA was used in the seizure of trade union properties.

In addition, the SA demonstrated its close affiliation to the Nazi Party by participating in various ways in election proceedings. A pamphlet entitled "The SA," depicting the history and general activities of the SA, written by an SA Sturmfuhrer upon orders from SA Headquarters, declares that the SA stood—

"at the foremost front of election fights." (2168-PS)

Further evidence of the close relationship between the SA and Nazi leaders is found in the distribution list of the confidential publication of the Nazi Leadership Corps, which shows that this strictly confidential magazine was distributed to Lieutenant-Generals and Major-Generals of the SA. (2660-PS)

The interest and participation of Nazi leaders in the activities of the SA is clearly shown in the issues of "*Der SA-Mann*" for the period from 1934 to March 1939 (3050-A-E-PS). Throughout these volumes there appear photographs of Nazi leaders participating in SA activities. The following are descriptions of a few of these photographs, together with the page numbers upon which they appear:

Photograph of Himmler, Huhnlein (Fuehrer of NSKK) and Lutze, bearing caption: "They lead the soldiers of National Socialism," 15 June, 1935, p. 1.

Photograph of Hitler at SA Ceremony, carrying SA Battle Flag. The picture bears the caption: "As in the fighting years the Fuehrer, on Party Day of Freedom, dedicates the new regiments with the Blood Banner," 21 September, 1935, p. 4.

Photograph of Lutze and Hitler, 19 September, 1936, p. 4.

Photograph of Hitler and SA officers, 1 January, 1938, p. 3.

Photograph of Streicher with SA men, and reviewing SA Troops, 25 November, 1938, p. 1.

Photograph of Goering in SA uniform reviewing SA marching troops under the caption: "Honor Day of the SA," 21 September, 1935, p. 3.

Photographs of Goering, Hess, and Hitler in SA uniform at the ceremonies dedicated to SA men killed in the Munich Putsch, 16 November, 1935, p. 3.

Photograph of Goering marching in SA uniform, 19 September, 1936, p. 3.

Photographs of Goering at ceremonies held upon occasion of his being made Obergruppenfuehrer of the Feldherrnhalle Regiment of the SA, 23 January, 1937, p. 3.

Photograph of Goering leading Feldherrnhalle Regiment of SA in parade, 18 September, 1937, p. 3.

The work of the SA did not end with the seizure of the German government by the Nazis, but affiliation between the SA and Nazi leaders continued thereafter. The importance of the SA in connection with the Nazi Government and control of Germany is shown by the law of 1 December 1933 entitled, "The Law on Securing the Unity of Party and State" (1395-PS):

"* * * The Deputy of the Fuehrer and the Chief of Staff of SA become members of the Reich Government in order to insure close cooperation of the offices of the Party and SA with the public authorities." (1395-PS)

Similarly, a decree promulgated by Hitler providing for supervision of premilitary training by the SA declares:

"The offices of the Party and State are to support the SA in this training program and to value the possession of the certificate for the SA military insignia." (2383-PS)

The complete control of the SA by the Nazis at all times is shown by the so-called "Roehm Purge" of June 1934 (see 2407-PS). Roehm had been Chief of Staff of the SA for several years, and was responsible for the development of SA into a powerful organization. SA members were required to take a personal oath of fidelity to Roehm. But when his policies conflicted with those of the Nazi leaders, he was removed, murdered, and replaced by Victor Lutze. This drastic action was accomplished without revolt or dissension in the ranks of the SA, and with no change in its objectives or program. The SA remained "a reliable and strong part of the National Socialist Movement * * * full

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of obedience and blind discipline," whose function was to "create and form the new German citizens." (2407-PS)

The importance of the SA in the Nazi plan for the utilization of the people of Germany is shown in Hitler's pronouncement "The Course for the German Person," which appears in the issue of "*Der SA-Mann*" for 5 September 1936, at page 22. Hitler's statement reads as follows:

"The boy, he will enter the Young Volk, and the lad, he will enter the Hitler Youth, the young man will go into the SA, in the SS, and in other units, and the SA and SS men will one day enter into the labor service and from there to the Army, and the soldier of the Volk will return again into the Organization of the Movement, the Party, in the SA and SS and never again will our Volk decay as it once was decayed". (3050-A-E-PS)

Thus the SA was constantly available to the conspirators as an instrument to further their aims. It was natural that Victor Lutze, the former Chief of Staff of the SA, in a pamphlet entitled "The Nature and Tasks of the SA," declared:

"The SA cannot be independent of the National Socialist Movement but can only exist as a part of it." (2471-PS)

B. Participation by the SA in the Conspiracy.

The principal functions performed by the SA in furtherance of the objectives of the conspiracy may be classified into four distinct phases, each of which corresponds with a particular phase in the progression of the conspiracy.

The first phase consists of the use of the SA and its members as the instrument for the dissemination of Nazi ideology throughout Germany. The employment of SA for this purpose continued throughout the entire period of the conspiracy. In the second phase, the period prior to the Nazi seizure of power, the SA was a militant group of fighters whose function was to combat all opponents of the Party. In the third phase, the period of several years following the Nazi seizure of power, the SA participated in various measures designed to consolidate the control of the Nazis, including the dissolution of the trade unions, the persecution of the church, and Jewish persecutions. During this period the SA continued to serve as a force of political soldiers whose purpose was to combat members of political parties considered hostile to the Nazi Party. The fourth aspect of SA activities consisted of its employment as an agency for the building up of an armed force in Germany in violation of the Treaty of Versailles, and for the

preparation of the youth of Germany for the waging of an aggressive war.

(1) *The Propagation of Nazi Doctrine.* From the very start the Nazi leaders emphasized the importance of the SA's mission to disseminate Nazi doctrines. The responsibility of propagating National Socialist ideology remained constant throughout. This is shown in an excerpt from *Mein Kampf* in which Hitler declared:

"* * * As the directing idea for the inner training of the *Sturmabteilung*, the intention was always dominant, aside from all physical education, to teach it to be the unshakeable convinced defender of the National Socialist idea." (2760-PS)

Hitler's pronouncement as to the function of SA in this respect became the guiding principle of SA members, for *Mein Kampf* was taken to express the basic philosophy of the SA. The Organization Book of the Nazi Party declares that the training of SA members should consist of—

"The training and rearing upon the basis of the teachings and aims of the Fuehrer as they are put down in 'Mein Kampf' and in the Party program, for all spheres of our life and our National Socialist ideology." (2354-PS)

The Party Organization Book also declares that the SA is the "training and rearing instrument of the Party." (2354-PS)

Similarly, in an article which appeared in "*Der SA-Mann*", at page 1 of the issue of January 1934, the functions of the SA were set forth as follows:

"First, to be the guaranty of the power of the National Socialist State against all attacks from without as well as from within.

"Second, to be the high institute of education of the people for the living National Socialism."

The function of the SA as propagandist of the Party was more than a responsibility which SA took unto itself. It was a responsibility recognized by the law of Germany. The law for "Securing the Unity of Party and State," promulgated by the Reich Cabinet in 1933, provided:

"The members of the National Socialistic German Labor Party and the SA (including their subordinate organizations) as the leading and driving force of the National Socialist State will bear greater responsibility toward Fuehrer, people and State." (1395-PS)

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As the principal ideology bearers of the Nazi Party SA members were "the soldiers of an idea," to use the expression employed by Nazi writers. Examples of the use of the SA as Nazi propagandist will be seen in the description of the other functions performed by the SA. For in each case the SA combined its propagandist responsibility instrument with the other functions which it performed in furtherance of the conspiracy.

(2) *Strong-Arm Terrorization of Political Opponents.* In the early stages of the Nazi Movement the SA combined propaganda with violence along the lines expressed by Hitler in *Mein Kampf*:

"The Young Movement from the first day, espoused the standpoint that its idea must be put forward spiritually but that the defense of this spiritual platform must, if necessary, be secured by strong-arm means." (2760-PS)

So that the Nazis might better spread their philosophies, the SA was employed to gain possession and control of the streets for the Nazis. Its function was to beat up and terrorize all political opponents. The importance of this function is explained in a pamphlet written by SA Sturmfuehrer Bayer, upon orders from SA Headquarters (2168-PS):

"Possession of the streets is the key to power in the State—for this reason the SA marched and fought. The public would have never received knowledge from the agitative speeches of the little Reichstag faction and its propaganda or from the desires and aims of the Party if the martial tread and battle song of the SA Companies had not beat the measure for the truth of a relentless criticism of the state of affairs in the governmental system. They wanted the young Movement to keep silent. Nothing was to be read in the press about the labor of the National Socialists, not to mention the basic aims of its platform. They simply did not want to awake any interest in it. However, the martial tread of the SA took care that even the drowsiest citizens had to see at least the existence of a fighting troop." (2168-PS)

And in *Mein Kampf* Hitler defined the task of the SA as follows: "We have to teach the Marxists that the master of the streets in the future is National Socialism, exactly as it will once be the Master of the State." (2760-PS)

The importance of the work of SA in the early days of the Movement was indicated by Goebbels in a speech which appeared in *Das Archiv* in October 1935:

"* * * The inner-political opponents did not disappear due to mysterious unknown reasons but because the Move-

ment possessed a strong-arm within its organization and the strongest strong-arm of the Movement is the SA * * *." (3211-PS)

Specific evidence of the activities of the SA during the early period of the Nazi Movement (1922-31) is to be found in a series of articles appearing in "*Der SA-Mann*" entitled, "SA Battle Experiences Which We Will Never Forget." Each of these articles is an account of a street or meeting-hall battle waged by the SA against a group of political opponents in the early days of the Nazi struggle for power. These articles demonstrate that during this period it was the function of SA to employ physical violence in order to destroy all forms of thought and expression which might be considered hostile to Nazi aims or philosophy.

The titles of these articles are sufficiently descriptive to constitute evidence of SA activities. Some of these titles, together with the page and reference of "*Der SA-Mann*" upon which they appear, follow:

Article entitled: "We subdue the Red Terror," 24 February, 1934: p. 4.

Article entitled: "Nightly Street Battles on the Czech Border," 8 September, 1934: p. 12.

Article entitled: "Street Battle in Chemnitz," 6 October, 1934: p. 5.

Article entitled: "Victorious SA," 20 October, 1934: p. 7.

Article entitled: "SA Against Sub-Humanity," 20 October, 1934: p. 7.

Article entitled: "For the Superiority of the Street," 10 November, 1934: p. 10.

Article entitled: "The SA Conquers Rastenburg," 26 January, 1936: p. 7.

Article entitled: "Company 88 Receives its Baptism of Fire," 23 February, 1935: p. 5.

Article entitled: "Street Battles at Pforzheim," 23 February, 1935: p. 5.

Article entitled: "The SA Breaks the Red Terror," 1 June, 1935: p. 7.

Article entitled: "The Blood Sunday of Berlin," 10 August, 1935: p. 10.

Article entitled: "West Prussian SA Breaks the Red Terror in Christburg," 24 August, 1935: p. 15.

Portrait symbolizing the SA Man as the "Master of the Streets," entitled, "Attention: Free the Streets," 11 September, 1937: p. 1.

Article entitled: "9 November, 1923, in Nurnberg," 30 October, 1937.

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As an example of the nature of these articles, the article appearing in the Franken Edition of "*Der SA-Mann*" for 30 October 1937, at page 3, is typical. It is entitled: "9 November 1923 in Nurnberg," and reads in part as follows:

"We stayed overnight in the Coliseum. Then in the morning we found out what had happened in Munich. 'Now a revolution will also be made in Nurnberg,' we said. All of a sudden the Police came from the Maxtor Guard and told us that we should go home, that the Putsch in Munich failed. We did not believe that and we did not go home. Then came the State Police with fixed bayonets and drove us out of the hall. One of us then shouted 'Let's go to the Cafe Habsburg!' By the time we arrived, however, the Police again had everything surrounded. Some shouted then: 'The Jewish place will be stormed * * * Out with the Jews!' Then the Police started to beat us up. Then we divided into small groups and roamed through town and wherever we caught a Red or a Jew we knew, a fist fight ensued.

"Then in the evening we marched, although the Police had forbidden it, to a meeting in Furth. During the promenade again the police attempted to stop us. It was all the same to us. Already in the next moment we attacked the police in our anger so that they were forced to flee. We marched on to the Geissmann Hall. There again they tried to stop us. But the Landsturm, which was also there, attacked the protection forces like persons possessed, and drove them from the streets. After the meeting we dissolved and went to the edge of town. From there we marched in close column back to Nurnberg. In the Wall Street near the Plaerrer the Police came again. We simply shoved them aside. They did not trust themselves to attack, for what would a blood bath have meant? We decided beforehand not to take anything from anyone. Also in Furth they had already noticed that we were up to no good. A large mass of people accompanied us on the march. We marched with unrolled flags and sang so that the streets resounded: Comrade reach me your hand; we want to stand together, even though they have false impressions, the spirit must not die, Swastika on the steel helmet, black—white—red armband, we are known as Storm Troop (SA) Hitler!"

Through such means the SA was chiefly responsible for destroying all political elements hostile to the Nazis, including liberalism and capitalism. This is shown by an article which appeared on 6

January, 1934, at page 1 of "*Der SA-Mann*," entitled "The SA Man in the New State!"

"The New Germany would not have been without the SA man and the new Germany would not exist if the SA man would now, with the feeling of having fulfilled his duty, quietly and unselfishly and modestly step aside or if the new State would send him home much like the Moors who had done his obligations.

* * * * *

"What has been accomplished up until now, the taking over of the power in the State and the ejection of those elements which are responsible for the pernicious developments of the post war years as bearers of Marxist liberalism, and capitalism are only the preliminaries, the spring-board for the real aims of National Socialism.

"Being conscious of the fact that the real National Socialist construction work would be building in an empty space without the usurpation of power by Adolf Hitler, the movement and the SA man as the aggressive bearer of its will primarily have directed all their efforts thereupon, to achieve the platform of continued striving and to obtain the fundamental for the realization of our desires in the State by force * * *

"* * * Out of this comes the further missions of the SA for the completion of the German revolution. First: To be the guaranty of the power of the National Socialist State against all attacks from without as well as within: Second: To be the high institute of education of the people for the living National Socialism. Third: to build a bridge over which the present day German youth can march free and unhampered as first generation into the formed Third Reich."

(3) *Consolidation of Nazi Control of Germany.* The Third function of the SA was to carry out various programs designed to consolidate Nazi control of the German State, including particularly the dissolution of the trade unions and the Jewish persecutions. In the words of an SA officer, it was the function of the SA to be the "tool for strengthening the structure of the new State," and "to clean up" all that was "worth cleaning up." It was generally employed, says the SA man, "where communism and elements hostile to the State still insolently dared to rebel." (2168-PS)

SA groups were employed to destroy political opposition by force and brutality where necessary. As an example, an affidavit of William F. Sollman reads as follows:

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"* * * From 1919 until 1933 I was a Social Democrat and a member of the German Reichstag. Prior to March 11, 1933, I was the editor-in-chief of a chain of daily newspapers, with my office in Cologne, Germany, which led the fight against the Nazi Party.

"On March 9, 1933, members of the SS and SA came to my home in Cologne and destroyed the furniture and my personal records. At that time I was taken to the Brown House in Cologne where I was tortured, being beaten and kicked for several hours. I was then taken to the regular government prison in Cologne where I was treated by two medical doctors * * * and released the next day. On March 11, 1933, I left Germany." (3221-PS)

Prior to the organization of the Gestapo on a national scale local SA meeting places were designated as arrest points, and SA members took into custody Communists and other persons who were actually or supposedly hostile to the Nazi Party. This activity is described in an affidavit of Raymond H. Geist, former U. S. Consul in Berlin:

"* * * At the beginning of the Hitler regime, the only organization which had meeting places throughout the country was the SA (Storm Troopers). Until the Gestapo could be organized on a national scale the thousands of local SA meeting places became 'arrest points.' There were at least fifty of these in Berlin. Communists, Jews, and other known enemies of the Nazis party were taken to these points, and, if they were enemies of sufficient importance, they were immediately transferred to the Gestapo headquarters." (1759-PS)

In addition, SA members served as guards at concentration camps during this consolidation period and participated in mistreatment of the persons there imprisoned. A report to Hitler by the public prosecutor of Dresden concerning the *Knoll-prosse* of one Vogel, who was accused of mistreatment of the persons imprisoned in a concentration camp, reads as follows (787-PS):

"The prosecuting authority in Dresden has indicted Ober-regierungsrat Erich Vogel in Dresden (case designation 16 STA 4 1o7/34) on account of bodily injury while in office. The following subject matter is the basis of the process:

"Vogel belongs to the Gestapo office of the province of Saxony since its foundation and is chief of Main section II, which formerly bore the title ZUB (*Zentralstelle fuer Um-*

sturzbekaempfung) (Central office for combatting overthrow). In the process of combatting efforts inimical to the State Vogel carried out several so called borderland actions in the year 1933 in which a large number of politically unreliable persons and persons who had become political prisoners in the border territories were taken into protective custody (*Schutzhaft*) and brought to the Hohnstein protective custody camp. In the camp serious mistreatment of the prisoners has been going on at least since summer of 1933. The prisoners were not only, as in protective custody camp Bredow near Stettin, beaten into a state of unconsciousness for no reason with whips and other tools but were also tortured in other ways, as for instance with a drip-apparatus especially constructed for the purpose, under which the prisoners had to stand so long that they came away with serious purulent wounds of the scalp. The guilty SA-leaders and SA-men were sentenced to punishment of six years to nine months of imprisonment by the main criminal court of the provincial court in Dresden of 15 May 1935 (16 STA. 3431.34). Vogel, whose duties frequently brought him to the camp, took part in this mistreatment, insofar as it happened in the reception room of the camp during completion of the reception formalities, and in the supply room, during issuing of the blankets. In this respect it should be pointed out that Vogel was generally known to the personnel of the camp—exactly because of his function as head of the ZUB—and his conduct became at least partly a standard for the above-named conduct of the SA-leaders and men.”

* * * * *

“In his presence, for instance, the SA-men Mutze dealt such blows to one man, without provocation, that he turned around on himself. As already stated, Vogel not only took no steps against this treatment of the prisoners, but he even made jokes about it and stated that it amused him the way things were popping here.

“In the supply room Vogel himself took a hand in the beating amid the general severe mistreatment. The SA men there employed whips and other articles and beat the prisoners in such a manner that serious injuries were produced; the prisoners partly became unconscious and had to lie in the dispensary a long time. Vogel was often present in the supply room during the mistreatment. At least in the fol-

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lowing cases he personally laid violent hands upon prisoners."

* * * * *
"the prisoner was laid across the counter in the usual manner, held fast by the head and arms, and then beaten for a considerable time by the SA men with whips and other articles. Along with this Vogel himself took part in the beating for a time, and after this mistreatment slapped him again, so that the prisoner appeared green and blue in the face. The prisoner is the tinsmith Hans Kuehitz, who bore the nickname Johnny. Upon his departure Vogel gave the head of the supply room, Truppenfuehrer Meier from 6 to 8 reichsmarks with the stated reason that the SA men 'had sweated so.' The money was then distributed by Meier to those SA-comrades who had taken part in the mistreatment." (787-PS)

Similarly, the SA participated in the seizure and dissolution of the German trade unions in 1933, a measure taken by the Nazis under the direction of Robert Ley. An official Nazi Party circular containing an order promulgated by Robert Ley concerning the program for the seizure of the union properties read as follows:

"SA, as well as SS, are to be employed for the occupation of trade union properties and for the taking into protective custody all personalities who come into the question."
(392-PS)

The SA also participated extensively in the Jewish persecutions conducted by the Nazis. The affidavit of Mr. Geist, former U. S. Consul in Berlin (1759-PS) sets forth numerous instances of attacks upon Jewish-American citizens. Mr. Geist also declares that on the morning after the Nazis' acquisition of power, SA groups roamed the streets of Berlin seizing and beating Jewish persons and other political opponents of the Nazi Party. Thereafter SA men participated in many attacks of physical violence upon Jews, including Jewish-American citizens. In addition, uniformed SA men were employed as a display of threatening force in order to coerce Jewish persons to dispose of their property at greatly reduced values. (1759-PS)

SA participation in the Jewish program of 10 to 11 November, 1938, is disclosed in a confidential report of an SA Brigade Fuehrer to his Group Commander, dated 29 November, 1938 (1721-PS):

"TO: SA Group Electrical Palatinate (Kurpfalz)
MANNHEIM

"The following order reached me at 3 o'clock on 10 November 1938. -

'On the order of the Gruppenfuehrer, all the Jewish synagogues within the 50th Brigade are to be blown up or set fire immediately.

'Neighboring houses occupied by Aryans are not to be damaged. The action is to be carried out in civilian clothes. Rioting and plundering are to be prevented. Report of execution of orders to reach Brigade Fuehrer or office by 8:30.'

"I immediately alerted the Standartenfuehrer and gave them the most exact instructions; the execution of the order began at once.

"I hereby report that the following were destroyed in the area of * * *

"Standarte 115

1. Synagogue at Darmstadt, Bleichstrasse..Destroyed by fire
 2. Synagogue at Darmstadt, Fuchsstrasse..Destroyed by fire
 3. Synagogue at Ober/Ramstadt.....Interior and furnishings wrecked
 4. Synagogue at Graefenhausen.....Interior and furnishings wrecked
 5. Synagogue at Griesheim.....Interior and furnishings wrecked
 6. Synagogue at Pfungstadt.....Interior and furnishings wrecked
 7. Synagogue at Eberstadt.....Destroyed by fire"
- * * * * *

"Standarte 145

1. Synagogue at Bensheim.....Destroyed by fire
 2. Synagogue at Lorch in Hessen.....Destroyed by fire
 3. Synagogue at Heppenheim.....Destroyed by fire
 4. Prayer House Alsbach.....Destroyed by fire
 5. Meeting room Alsbach.....Destroyed by fire
 6. Synagogue at Rimbach.....Furnishings completely destroyed"
- * * * * *

"Standarte 168

1. Synagogue in Seligenstadt.....Destroyed by fire
2. Synagogue in Offenbach.....Destroyed by fire
3. Synagogue in Klein-Krotzenburg.....Destroyed by fire
4. Synagogue in Steinheim on the Main....Destroyed by fire
5. Synagogue in Muehlheim on the Main....Destroyed by fire
6. Synagogue in Sprendlingen.....Destroyed by fire
7. Synagogue in Langen.....Destroyed by fire

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8. Synagogue in Egelsbach.....Destroyed by fire”
* * * * * * *

“Standarte 186

1. Synagogue in Beerfelden.....Blown up
2. Synagogue in Michelstadt.....Furnishings
wrecked
3. Synagogue in Koenig.....Furnishings
wrecked
4. Synagogue in Hoechst i/Odenwald.....Furnishings
wrecked
5. Synagogue in Gross-Umstadt.....Furnishings
wrecked
6. Synagogue in Dieburg.....Furnishings
wrecked
7. Synagogue in Babenhausen.....Furnishings
wrecked
8. Synagogue in Gross-Bieberau.....Destroyed by fire
9. Synagogue in Fraenk. Crumbach.....Furnishings de-
stroyed
10. Synagogue in Reichelsheim.....Furnishings de-
stroyed”

* * * * * * *

“Standarte 221

1. Synagogue and Chapel in Gross Cerau..Destroyed by fire
2. Synagogue in Ruesselheim.....Torn down and
furnishings de-
stroyed
3. Synagogue in Dornheim.....Furnishings de-
stroyed
4. Synagogue in Wolfskehlen.....Furnishings de-
stroyed”

“The Fuehrer of Brigade 50 (STARKENBURG)

“/s/[Illegible]

“Brigadefuehrer” (1721-PS)

In connection with the persecutions of the Jews, the SA again performed its propaganda function. It was the function of the SA to create and foster among the people an anti-Jewish spirit. Evidence of this function is to be found in the issues of “*Der SA-Mann*”. Article after article in this publication was devoted to propaganda designed to engender hatred toward the Jewish race. The nature of these articles is apparent from some of the titles:

Article entitled: “Finish up with the Jew”, with subtitle:

"We want no women to buy from Jews, and no Jewish girl friends," 27 July, 1935, p. 4.

Article entitled: "The Jewish World Danger," 2 February, 1935, p. 5.

Article entitled: "Jewish Worries," (defending the practices of excluding Jews from certain resorts). 20 July, 1935, p. 4.

Article entitled: "Jews aren't wanted Here," with pictures posted on outskirts of villages showing signs bearing the same message. (1 June, 1935, p. 1.) The last portion of this article reads as follows:

"Since the day when National Socialism unrolled its flag and the march began for the Germany for Germans, our battle also included the Jewry * * * Let the Jew continue with his methods against New Germany. We know that at the end we will remain the victor for

Snake remains a snake, and

Jew remains a Jew! * * *

* * * "German women, if you buy from Jews and German girl, if you carry on with Jews, then both of you betray your German Volk and your Fuehrer, Adolf Hitler, and commit a sin against your German Volk and its future! Then, also, outside of the last German village, the sign will stand 'Jews are not wanted here!' and then, finally, no German citizen will again cross the threshold of a Jewish store. To achieve this goal is the mission of the SA man as political soldier of the Fuehrer. Next to his word and his explanations stands his example".

Article entitled: "God Save the Jew," 17 August, 1935, p. 1.

Photograph showing SA men gathered around trucks upon which are posted signs reading: "Read *The Stuermer* and you will know the Jew." 24 August, 1935, p. 3.

Photograph apparently representing public SA rally showing large sign which reads: "He who knows a Jew knows a devil," 24 August, 1935, p. 3.

Article entitled: "The Face of the Jew" (with portrait of a Jew holding the hammer and sickle), 5 Oct., 1935, p. 6.

Article entitled: "Jews, Blacks and Reactionaries," 2 November, 1935, p. 2.

Article entitled: "The Camouflaged Benjamin—Jewish Cultural Bolshevism in German music," 23 November, 1935, p. 2.

Article entitled: "The Jewish Assassination," 15 February, 1936, p. 1.

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Article entitled: "Murder—The Jewish Slogan," 4 April, 1936, p. 11.

Series of articles entitled: "The Jewish Mirror." Eight weekly installments beginning 22 May 1936, p. 17.

Series of articles entitled: "Gravediggers of World Culture," beginning 5 December, 1936, p. 6 and continuing weekly to 13 March 1937.

Article entitled: "Rumania to the Jews?" 2 January, 1937, p. 6.

Article entitled: "Bismarck's Position on Jews," 2 January, 1937, p. 7.

Article entitled: "Jewry is a Birth Error," 13 February 1937, p. 5.

Article entitled: "The Protection of the German Blood," 24 April, 1937, p. 1.

Article entitled: "Crooked Ways to Money and Power," 24 April, 1937, p. 1.

Article entitled: "The Camouflage of Jewry—Beginning or End?" 22 May, 1937, p. 14.

Article entitled: "How come still German Jews?" 18 June, 1938, p. 2.

Article entitled: "Westheimer Jew Servants," 22 January, 1938, p. 2.

Article entitled: "The Poor Jew—Well, Well! !" 19 March, 1938, p. 15.

Article entitled: "Jewish Methods, Churchly Parallel," 9 September, 1938, p. 4.

Article entitled: "Jews and Free Masons," 13 January, 1939, p. 15.

Article entitled: "Friends of the World Jewry—Roosevelt and Ickes," 3 February, 1939, p. 14.

The circulation of these articles was not intended to be confined to members of the SA. On the contrary, the plan was to educate the members of the SA with this philosophy, and for the SA in turn to disseminate it into the minds of the German people. This fact is demonstrated in the introduction to a series of anti-Jewish articles entitled "Gravediggers of World Culture," which began in the issue of 5 December, 1936, at page 6. This introduction stated in part as follows:

"We suggest that the comrades especially take notice of this series of articles and see that they are further circulated."
(3050-A-E-PS)

In addition, intensive campaigns were conducted to persuade the public to purchase and read "*Der SA-Mann*," and various is-

sues were posted in public places so that the general public might read them. "*Der SA-Mann*" itself contained several photographs showing particular issues posted upon street bulletin boards. There are also several photographs showing advertising displays, one of which reads as follows "*Der SA-Mann* belongs in every house, every hotel, every inn, every waiting room, and every store" (page 3 of the issue of 31 October, 1936). (3050-A-E-PS)

In view of such widespread publicity for the objectives and methods of the SA, it is inconceivable that volunteers for membership did not know of the criminal character of this organization.

(4) *Fostering of Militarism.* In the final phase of the SA in the conspiracy—its participation in the preparation for aggressive warfare—the SA was again employed to inculcate a particular Nazi ideology into the minds of the German people. It was the function of the SA to prepare Germany mentally for the waging of an aggressive war.

At all times, and especially during the period from 1933-39, SA leaders emphasized to SA members the duty and responsibility of creating and fostering a militaristic spirit throughout Germany. In 1933, Hitler established the so-called SA sports program and at that time, according to Sturmfuhrer Bayer in his pamphlet "The SA,"

"the SA was "commissioned to obtain an increase of and preservation of a warlike power and a warlike spirit as the expression of an aggressive attitude". (2168-PS)

In 1937, Hitler renewed the so-called sports program and then declared the program to be a means "for the fostering of a military spirit" among the German people. (3050-A-E-PS)

The Organization Book of the Party is to the same effect. The function of the SA is characterized as follows:

"While the political organization of the NSDAP has carried out the political leadership, the SA is the training and education instrument of the Party for the realization of the world-philosophical soldier-like attitude.

"Consequently, the young German in the SA is being inculcated in the first instance from the standpoint of world philosophy and character, and trained as the bearer of National Socialist armed will." (3220-PS)

The contents of a number of articles designed to serve as war propaganda material may be gained from their titles, which are very graphic. A number of articles relate to the Nazi *Lebensraum* philosophy:

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Article entitled: "The German Living Space," 5 January, 1935, p. 13.

Article entitled: "Folk and Space—A Geopolitical View," 27 April, 1935, p. 13.

Article entitled: "The Enlargement of our Living Space," 25 April, 1936, p. 10.

Article entitled: "Our Right, Our Colonies," 10 October, 1936, p. 15.

Article entitled: "Our Right for Colonies," 18 December, 1937, p. 7.

Article entitled: "Space and Folk," 14 October, 1938, p. 3.

Article entitled: "Colonies for Germany," 2 January, 1937, p. 4. This article reads in part as follows:

"The German Ambassador in London, Herr von Ribbentrop, recently, on occasion of a reception in the Anglo-German Fellowship * * * has renewed, in a speech which aroused great interest, the unretractable claim of Germany for the restitution of its colonies which had been snatched away.

"Shortly thereafter the Reichsbank president and Reich Minister of Economics, Dr. Schacht, published in the English magazine, 'Foreign Affairs,' a detailed article on the German colonial problem. * * *

"For the rest Dr. Schacht laid out the categorical demand that Germany must, in order to solve its raw materials problem, get colonies, which must be administered by Germany, and in which the German standard currency must be in circulation."

The next group consists of articles condemning the Versailles Treaty:

Article entitled: "What is the Situation regarding our battle for Equal Rights?" 7 April 1934, p. 4.

Article entitled: "The Dictate of Versailles," 30 June, 1934, p. 15. This article reads in part as follows:

"* * * The dictate of Versailles established the political, economical and financial destruction of Germany in 440 artfully—one could also say—devilishly devised paragraphs; this work of ignominy is a sample of endless and partly contradictory repetitions in constantly new forms. Not too many have occupied themselves with this thick book to a great extent, for one could only do it with abomination * * *"

Article entitled: "The Unbearable Limitations of our Fleet," 7 July, 1934, p. 15.

Article entitled: "Versailles after 15 years," 19 January, 1935, p. 13. This article reads in part as follows:

"This terrible word 'Versailles,' since a blind nation ratified it, has become a word of profanity for all those who are infatuated in the spirit of this enormous production of hatred. The Versailles dictate is German fate in the fullest sense of the word. Every German stood up under the operation of this fate during the past 15 years. Therefore, every last German must also grasp the contents of this dictate so that one single desire of its absolute destruction fills the whole German Volk."

Article entitled: "How about Germany's fight for Equal Rights?" 16 March, 1935, p. 1.

Article entitled: "Through Adolf Hitler's Acts: Free from Versailles," 30 January, 1937, pp. 12-13.

Article entitled: "Versailles will be Liquidated," 13 February, 1937. This article reads in part as follows, p. 4:

"The National Socialist Movement has again achieved a victory, for upon its flag since the beginning of the fight stands: The liquidation of the Versailles Treaty. For this fight the SA marched year after year * * *."

A third group consists of articles describing preparations for war allegedly being carried on by other nations:

Article entitled: "Military Training of the English Youth" (showing pictures of Eton students wearing traditional Eton dress—tall hats and frock coats—marching with rifles), 26 January, 1935, p. 14.

Article entitled: "The Army of the Soviet Union" (with pictures of self-propelled artillery and tanks. One picture bears the quotation "The Artillery of the Red Army is already extensively motorized"), 16 March, 1935, p. 14.

Photograph of Russian Artillery bearing the notation "Soviet Russian Heavy artillery on maneuver," 16 March, 1935, p. 1.

Article entitled: "Armies of Tomorrow" (discussion of anticipated developments in motorized and mechanized warfare. One section of the article is devoted to "plans of foreign countries with respect to motorized armies"), 30 March, 1935, p. 14.

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Article entitled: "The Red Danger in the East," 4 April, 1936, p. 13.

Article entitled: "The Red Army Today," 4 April, 1936, p. 13.

Article entitled: "Russia prepares for World War," 29 August, 1936, p. 10.

Article entitled: "Red Terrorism Nailed Down," 19 June, 1937, p. 7.

Cartoon bearing title "Stalin Wants World Revolution," 26 February, 1938, p. 13.

These lists of articles are not exhaustive. These articles are merely typical of many in similar vein which appear throughout the issues of "*Der SA-Mann*."

(5) *The Training of German Youth for Aggressive Warfare.*

The important responsibility of training the youth of Germany in the technique of war, and of preparing them physically and spiritually for the waging of aggressive warfare, was delegated to the SA. Hitler characterized this task of the SA in these words:

"Give the German Nation six million perfectly trained bodies in sport, all fanatically inspired with the love for the Fatherland and trained to the highest offensive spirit and a National Socialist State will, if necessary, have created an Army out of them in less than two years." (3215-PS)

The military character of the SA is demonstrated by its organizational structure (2168-PS). As appears from the SA organizational chart, (*Chart Number 8*) it was organized into units closely corresponding to those of the German army. The organizational scheme consisted of divisions, regiments, battalions, companies, platoons, and squads. In addition, there were special units and branches, including cavalry, signal corps, engineer corps, and medical corps. There were also three officer training schools (2168-PS). SA members wore distinctive uniforms adapted to military functions, bore arms, and engaged in training, forced marches, and other military exercises. These facts are disclosed in photographs and articles in "*Der SA-Mann*".

SA members, moreover, were governed by general regulations which closely resemble service regulations of an armed force (2820-PS). According to these regulations, "discipline and obedience are the foundations as strong as steel for each military unit." These regulations further provide for punishment for disobedience. The punishments provided demonstrate the militaristic character of the SA. They include the following:

Reprimand in private;
 Reprimand in presence of superiors and announcement thereof at formations;
 Prohibition of right to wear the service uniform;
 House arrest;
 Arrest and confinement in jail;
 Demotion in rank;
 Prohibition of right to carry weapon. (2820-PS)

Preparation for war through the SA training program was commenced in Germany as early as 1933, but the scope of this program was not made public because it constituted a violation of the Treaty of Versailles. The strict secrecy with which the program was surrounded is shown by an order from the Chief of Staff of the SA dated 25 July, 1933 (D-44):

"Further to my instruction Z II 1351/33 dated 11 July 33, I find cause to ask all SA authorities to exercise the greatest caution with regard to any publicity given to the SA service not only in the press, but also in the information and news sheets of the individual SA units.

"Only during the last few days, the Reich Ministry of the Interior, at the request of the Foreign Office, has given strict instructions to all Reich authorities according to which the most severe control is to be exercised on all publications which might give other countries an opening to construe German infringements of the terms of the Versailles Treaty. "As is known from the Geneva negotiations, our opponents have piled up material collected in Germany and submitted to them, which they use against us on every occasion during the conferences.

"From this point of view, the information sheets circulating among the subordinate SA units cause the liveliest concern. I hold all higher SA leaders responsible that any such internal information sheets appearing in the district of their command are submitted to the most stringent control *before they go into print*, and I feel compelled to draw attention to the threat of a prosecution for treason, pronounced by official instructions issued in the last few days, in cases where such reports, printed no doubt in good faith, are publicized and therefore exposed to the danger of falling into the wrong hands.

"On principle, pictures of the technical specialized units of the SA and SS, in particular of the signals, motorized and possibly also of the air wings which now exist outside these formations, are forbidden, such pictures enabling other coun-

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tries to prove the alleged formation of technical troop units.”
(D-44)

Secrecy was also required in the order assigning a *Wehrmacht* officer to the SA in January, 1934, to assist in the SA Training Program (2823-PS). A memorandum from SA Headquarters dated 20 January, 1934 designates an officer of the *Wehrmacht* to assist in the military training of SA members and goes on to provide:

“For the purpose of disguise, Lt. Col. Auleb will wear SA uniform with insignia of rank according to more detailed regulations of the Supreme SA leaders”. (2823-PS)

The military training program of the SA was for many years conducted under the guise of a sports program. This plan was created by Hitler as early as 1920 in founding what he called the National Socialist Sport Troop (SA). Hitler's declaration at the time of the creation of this sports organization was as follows:

“The Sport Troop * * * is but the bearer of the military thought of a free people.” (3215-PS)

The fact that the so-called Sports Program was in reality closely associated with and in fact a means of providing military training for German youth, is shown by the following characterization of the program by Lutze, the Chief of Staff of the SA, in an article written in 1939 (3215-PS):

“* * * This goal setting also served for the decrees of the Fuehrer to the SA of 1935 regarding the renewing of, in 1936 regarding the evaluation of, in 1937 regarding the yearly repetitive exercises of the SA sport badge. Parallel to this decree of the Fuehrer for the physical betterment and military training the organizational and development missions within the SA were met. Out of the conception that the preservation and intensification of the military power of our people must especially be requested by military and physical exercises, the training was especially carried out systematically in these fields. In 25 schools of the troop and in 3 Reichsfuehrer schools of the SA yearly 22,000 to 25,000 officers and non-coms were trained since 1934 in special educational courses until they possessed the education and examination certificates. In clearly outlined training directives the training goals which had to be achieved yearly were given and at the same time the yearly Reich competitive contests were established. Hand in hand the training of the Fuehrer Corps and corresponding organizational measures and the training at the front proceeded on the broadest basis.” (3215-PS)

The military nature of the Sports Program is likewise demonstrated by the tests and standards required to obtain the sports award. The Organization Book of the Party lists these tests as follows (2354-PS):

"The performance test includes three groups of exercises:

Body exercises,
Military sports,
Topographical (naval) services.

"Group I: Body exercises;

100-meter race,
Broad jump,
Shot-put,
Throwing of hand grenades,
3000-meter race.

"Group II: Military sports;

25-Kilometer march with pack,
Firing of small-caliber arms,
Aimed throwing of hand grenades,
200-meter cross-country race with gas masks over
4 obstacles,
Swimming or bicycle riding,
Basic knowledge of first aid in case of accidents.

"Group III: Terrain service;

Orientation,
Terrain observation,
Estimate of terrain,
Estimate of distance,
Camouflage,
Observing and reporting,
Utilization of terrain and general behavior in terrain
service." (2354-PS)

In 1939, the SA Sports Program was formally recognized, in a decree issued by Hitler, as a military training program. At the same time the SA was openly declared to be an agency for pre- and post-military training, that is, military training prior to and following military service in the *Wehrmacht* (2383-PS).

The decree provided in part as follows:

"Der Fuehrer. In amplification of my decree of the 15th February, 1935, and 18th March, 1937, regarding the acquisition of the SA sport insignia and the yearly repetitive exercises, I lift the SA sport insignia to the SA military insignia and make it as a basis for pre-imposed military training.

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"I designate the SA as standard bearer of this training.

"These soldiers who honourably were discharged out of the active military service and who were serviceable soldiers are to be placed into the Army ranks for the retaining of their spiritual and physical energy and to be attached to the SA insofar as no other organization of the Party (the SS, NSKK, and SFK) have received them for special training." (2383-PS)

The SA military training program was not confined to its members, but extended to the entire youth of Germany. Thus the Chief of Staff of the SA, in re-establishing the sports program in 1935, declared (2354-PS):

"In order to give conscious expression to the fostering of a valiant spirit in all parts of the German people, I further decide that this SA Sport Insignia can also be earned and worn by persons who are not members of the movement, inasfar as they comply racially and ideologically with the National Socialist requirements". (2354-PS)

The pamphlet entitled "The SA", shows that responsibility for conducting this nation-wide program was lodged in the operational main office of the SA (2168-PS). According to the pamphlet it was the duty of this office to—

"Prepare the fighting training of the bodies of all Germans capable of bearing arms (*Wehrfähig*) and as preparation therefor must organize the execution of corporal exercises (basic physical training) and sports achievements, so that the widest stratum of the population is laid hold upon and will be kept in condition to bear arms (*Wehrtüchtig*) both physically and spiritually, as well as ideologically in character up to greatest old age." (2168-PS)

The extent to which the SA carried the military training program into the lives of the German people may be seen from the following excerpt from "Das Archiv" (3215-PS):

"Next to the companies of the SA were the sport badge associations (SAG) in which all the militaristic nationals entered who were prepared to voluntarily answer the call of the SA for the preservation of military proficiency. Up until now around 800,000 nationals outside of the SA could successfully undergo the physical betterment as well as the political military training of the SA on the basis of the SA sport badge.

"As pronounced proof heretofore it may be shown that alone 13,400 officers and around 30,000 non-coms in the Reserve

Corps of the Wehrmacht from its (SA) own ranks stand at the disposal of the SA and can be employed at any time for the direction of SA military forces * * *". (3215-PS)

In 1939, the extension of the SA military program to non-SA members was officially recognized by Hitler. This occurred in the ordinance for the execution of the Hitler decree of 16 January, 1942:

"Every German man who has completed his seventeenth year and who shows preliminary requirements for honorary service with the weapon, has the *customary* duty to win the SA military insignia in preparation for military service.

"During the years in the Hitler Youth following his sixteenth year, he is to prepare himself for the winning of the SA military insignia." (2383-PS)

The SA, in its military training program, was no mere marching and drilling society. It embraced every phase of the technique of modern warfare. This appears clearly from the articles on military training which appear throughout the issues of "*Der SA-Mann*". The titles of these articles indicate their substance. The following are a few examples:

Article entitled: "Defense Platoon and the Company in Battle" (with diagrams), 27 January, 1934, p. 10.

Article entitled: "*Die Luftwaffe*" (with diagrams on Aircraft Gunnery), 3 February 1934, p. 7.

Article entitled: "Pistol Shooting," 17 February, 1934, p. 7.

Article entitled: "Orientation in Terrain," 10 March, 1934, p. 7.

* Article entitled: "First Aid—ABC," 17 March, 1934, p. 7.

Article entitled: "We go into the Terrain" (relating to map study and map symbols), 24 March, 1934, p. 7.

Article entitled: "What every SA Man must know about Aviation," 21 April, 1934, p. 13.

Article entitled: "Expert firing in German National Sport" (relating to small caliber firing), 12 May, 1934, p. 7.

Article entitled: "Chemical Warfare," 19 May, 1934, p. 13.

Article entitled: "What every SA Man should know about Aviation," 19 May, 1934, p. 12.

Article entitled: "Flame Throwers on the Front," 26 May, 1934, p. 14.

Article entitled: "Modern Battle Methods in the View of the SA Man," 2 June, 1934, p. 14.

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Article entitled: "The Significance of Tanks and Motors in Modern War," 4 August, 1934, p. 13.

Article entitled: "The Rifle 98," 8 September, 1934, p. 7.

Article entitled: "The Combat Battalion" (with description of tactical missions and maneuvers of the battalion), 15 September, 1934, p. 7.

Article entitled: "Air Strategy and Air Tactics," 29 September, 1934, p. 7.

Article entitled: "Gas Protection and the Gas Mask," 6 October, 1934, p. 7.

Article entitled: "The Pistol 08" (with diagram of the pistol, its nomenclature and field stripping), 6 October, 1934, p. 7.

Article entitled: "Training the SA in Map and Terrain Study," 24 November, 1934, p. 4.

Article entitled: "The Defense," with subheading "What does the War of Tomorrow look like?" 1 December, 1934, p. 13.

Series of articles by a Wehrmacht officer entitled: "Training in the Army of the Third Reich," beginning on 12 January, 1935, p. 13.

Series of articles entitled: "Construction and Composition of various units of the Modern Army," written by a Brigadier General in the *Wehrmacht*—beginning 26 January, 1935, p. 15, and ending 20 April, 1935, p. 16.

Article entitled: "Small caliber firing" (with sketches of ammunition, rifles, targets, and aiming technique), 26 January, 1935, p. 19.

Article entitled: "Armies of Tomorrow" (discussion of anticipated developments in motorized and mechanized warfare. One section of the article is devoted to "Plans of foreign countries with respect to motorized armies"), 30 March, 1935, p. 14.

The issues of "*Der SA-Mann*" also contain many photographs and articles demonstrating SA participation in military exercise, including forced marching, battle maneuvers, obstacle runs, small calibre firing, and the like. Among these photographs and articles are the following:

Each issue of "*Der SA-Mann*" contains advertisements for the sale of various items of military equipment, including uniforms, steel helmets, rifles, boots, grenades, field glasses, ammunition, etc. (See, for example, 20 January, 1934, p. 16; and 9 March, 1935, p. 16.)

- Picture of SA men marching in military formation executing "goose step," 14 April, 1934, p. 8.
- Group of pictures showing SA Troops marching in military formations and in full pack and bearing flags being reviewed by Hitler. Title of page is "SA Marches into the New Year," 12 January, 1935, p. 3.
- Photographs of uniformed SA Troops marching in streets of Saarbrücken with caption: "In the streets of free Saarbrücken thuds the marching steps of the SA," 9 March, 1935, p. 3.
- Group of photographs entitled: "SA Brigade 6 marches for the German Danzig," 4 May, 1935, p. 3.
- Article entitled: "Who fights against us we will defeat, who provokes us we shall attack" (with picture of SA men in military formation bearing caption: "We are a political ideological troop"), 13 July, 1935, p. 1.
- Article entitled: "The SA is and remains the Shock Troop of the Third Reich" (with picture of *Gruppenführer* reviewing SA men marching in uniform and in full pack, in military formation), 24 August, 1935, p. 2.
- Article entitled: "SA Men at the heavy machine gun," 3 July, 1936, p. 14.
- Photograph of SA men in uniform and full pack on obstacle run, 29 August, 1936, p. 7.
- Article entitled: "Fight, Fight, Fight" with subtitles: "Preparation of Francken Division for the the NS War Games" (with picture of SA men bearing arms), 26 June, 1937, p. 4.
- Photograph of SA men bearing weapons, bearing caption: "Austria's SA: through battle, distress and persecution, to victory."
- Photograph bearing caption: "German-Austrian SA was armed in the hour of decision," 2 April, 1938, p. 1.
- Photograph of SA men bearing arms on battle maneuvers, 19 August, 1938, p. 8., bearing the caption: "The way to victory."
- Article entitled: "SA and the *Wehrmacht*" (with pictures of SA men on field maneuvers throwing hand grenades), 2 September, 1938, p. 1.
- Photograph of SA men on field maneuvers, 9 September, 1938, p. 18.
- Photograph of SA men bearing arms in trenches, apparently on field maneuvers, 16 September, 1938, p. 1. (Frankens-SA).

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Photographs of SA men marching under arms, and on the rifle range, 30 September, 1938, p. 4. (Frankens-SA).

Photograph of SA Regiment *Feldherrnhalle* marching in goose-step with rifles and steel helmets and with the Luftwaffe insignia of sovereignty on their uniform and helmets, 11 November, 1938, p. 4.

Photograph entitled "Regiment *Feldherrnhalle* was there", (referring to the incorporation of the Sudetenland), 14 October, 1938, p. 6.

Photograph bearing the caption: "Training with the KK Rifle. Something entirely new for the Sudeten German. Every SA man must be outstanding in marksmanship," 6 January, 1939, p. 3.

Article entitled: "The SA—the forger of military power," with the subheading: "The SA as Bearer of the Pre-military Training," 27 January, 1939, p. 1.

Photograph of Von Brauchitsch (*Wehrmacht*) and Lutze reviewing the SA, 3 February, 1939, p. 3.

Photograph of SA on march with full pack and rifles. (Frankens-SA), 3 February, 1939, p. 1.

C. Cooperation with the Wehrmacht in Preparation for Aggression.

Evidence of the SA's participation in the conspiracy is found in the care which was taken at all times to coordinate the military training program of the SA with the requirements of the *Wehrmacht*. As early as 1934, an SA memorandum provided that the SA chief of training and his subordinates should remain—

"* * * in direct touch with the respective offices and sections of the Reich Defense Ministry." (2823-PS)

The same memorandum recites that a Lieutenant-Colonel of the *Wehrmacht* was assigned to the SA with the duty of participating—

"* * * in all questions regarding training and organization * * *." (2823-PS)

Another SA memorandum declared that:

"* * * permanent liaison between the Reich Defense Ministry and the Supreme Commander of the SA * * * has been assured." (2821-PS)

Hitler's words regarding cooperation between *Wehrmacht* and SA were as follows:

"The requirements of the *Wehrmacht* are to be taken into consideration in organization and training.

"The Chief of Staff of the SA releases the required executive directives in agreement with the Commander in Chief of the *Wehrmacht* units. He alone is responsible for the fulfillment." (2383-PS)

A speech by the Chief of Staff of the SA relating to the technical and specialized branches of the SA revealed that this opportunity for collaboration with the *Wehrmacht* in specialized military training was utilized to the utmost:

"In the course of this development also special missions for military betterment (program) were placed on the SA. The Fuehrer gave the SA the cavalry and motor training and called SA Obergruppenfuehrer Littmann as Reich Inspector with the mission to secure the * * * recruits and requirements for the German *Wehrmacht* through the SA. In close cooperation with parts of the *Wehrmacht* special certificates were created for the communication, engineer and medical units which, like the cavalry certificate of the SA, are valued as statement of preference for employment in said units." (3215-PS)

The specialized training given SA members, in accordance with the requirements of technical branches of the *Wehrmacht*, is described by SA Sturmfoehrer Bayer as follows (2168-PS):

"* * * On one side the young SA man who enters the armed forces (*Wehrmacht*) from his branch, comes prepared with a multitude of prerequisites which facilitate and speed up training in technical respects; while on the other side those very soldiers, having served, who return out of the armed forces into the SA keep themselves, by constant practice, in a trained condition physically and mentally and impart their knowledge to their fellows.

"Thus they contribute a considerable portion to the enhancement of armed strength (*Wehrkraft*) and armed spirit (*Wehrgeist*) of the German people." (2168-PS)

And, with respect to the mounted or cavalry SA—

"* * * the SA each year is able to furnish many thousands of young trained cavalymen to our *Wehrmacht*
* * * At present the SA cavalry has at its disposal 101 cavalry units in whose schools, year in and year out, young Germans who are obligated for military service receive the training which fits him for entrance into a section of troops which is of their own choosing." (2168-PS)

The close relationship between the SA and the *Wehrmacht* is

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shown throughout the issues of "*Der SA-Mann*", which contain a number of articles on military training written by *Wehrmacht* officers. The same relationship is shown in many photographs. For example, in the issue of 1 May, 1937, at page 4, there is a picture of a *Wehrmacht* formation drawn up in front of an SA building with SA officers and men in the background. The picture is entitled—

"Day after day the closed formations of the *Wehrmacht* march in Wurzburg to the subscription places of the SA for thanksgiving to the nation in order to announce its close relation with the SA, and to express thanks to the Fuehrer for making the Reich capable of defense."

Page 2 of the issue of 27 January, 1939, contains a photograph of the SA Chief of Staff, Lutze, addressing a group of SA men. The photograph bears the caption, "We will be the bridge between the Party and the *Wehrmacht*." Page 3 of the issue of 3 February, 1939, reproduces a photograph of General von Brauchitsch and Chief of Staff Lutze reviewing an SA unit.

The close cooperation between the *Wehrmacht* and the SA, and the significance of the SA military training program is shown by the fact that service in the SA was considered as military service under the Conscription Law of 1935. The Organization Book of the Party declared that—

"Equally significant is a suitable education and training which the SA has accomplished within the yearly classes, and which have satisfied their arms obligation." (3220-PS)

And an article in "Das Archiv" declared—

"It was announced that conscripted SA men and Hitler Youths can fulfill their military conscription in the SA Regiment *Feldherrnhalle* whose Commander is General Field Marshall SA Obergruppenfuehrer Goering. The Regiment for the first time was employed as Regiment of the Luftwaffe in the occupation of the Sudetenland under its Fuehrer and Regimental Commander SA Gruppenfuehrer Reimann." (3214-PS)

There was never any misunderstanding among SA men as to the reasons which lay behind their military training program. They were preparing for war and knew it. The purpose of the so-called "Sports Program" was announced time after time in articles in "*Der SA-Mann*." For example, the introduction to an article entitled, "The War of Tomorrow," which appeared in the issue of 6 July, 1937, at page 12, declared:

"By decree of the Fuehrer of 18th March, 1937, the SA Sport Badge was declared as a means for the aggressive training of the body, for the fostering of a military spirit, for the retaining of military efficiency and thereby as a basis for German military power: * * *

"* * * In the following article an attempt is made to occupy every SA Fuehrer, who does not have the opportunity due to their profession or many-sided SA services, with questions concerning military policy and modern war direction, to give him an overall view of facts, teachings, opinions and beliefs which today are not without decisive influence upon the military policy, upon the character of the coming war and upon the modern national defense."

D. Participation of the SA in Warfare.

It would be natural in view of the above quotation, to expect the SA to have been used as a striking force in the first steps of the aggressive warfare launched by Germany, and as a basis for so-called Commando Groups. Such was the case. SA units were among the first of the Nazi military machine to invade Austria in the spring of 1938. This fact was proudly announced in an article appearing in "*Der SA-Mann*" for 19 March, 1938, at p. 10, entitled, "We were the First!" Similarly, the SA participated in the occupation of the Sudetenland (3214-PS). It was announced that conscripted SA men and Hitler Youths could fulfill their military conscription duty in the SA Regiment *Feldherrnhalle*, commanded by General Field Marshall SA Obergruppenfuehrer Goering. The regiment was employed for the first time as Regiment of the Luftwaffe in the occupation of the Sudetenland, under its Fuehrer and Regimental commander SA Gruppenfuehrer Reimann.

SA participation in the occupation of the Sudetenland is also shown by an affidavit of Gottlob Berger, a former officer in the SS who was assigned to the Sudeten-German Free Corps (3036-PS). Berger declares—

"* * * 1. In the fall of 1938 I held the rank and title of Oberfuehrer in the SS. In mid-September I was assigned as SS Liaison Officer with Konrad Henlein's Sudeten German Free Corps at their headquarters in the castle at Dondorf outside Bayreuth. In this position I was responsible for all liaison between the Reichsfuehrer SS Himmler and Henlein and, in particular, I was delegated to select from the Sudeten Germans those who appeared to be eli-

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gible for membership in the SS or VT (*Verfuegungs Truppe*). In addition to myself, Liaison Officers stationed with Henlein included an Obergruppenfuehrer from the NSKK, whose name I have forgotten, and Obergruppenfuehrer Max Juettner, from the SA. In addition, Admiral Canaris, who was head of the OKW Abwehr, appeared at Dondorf nearly every two days and conferred with Henlein. "2. In the course of my official duties at Henlein's Headquarters I became familiar with the composition and activities of the Free Corps. Three groups were being formed under Henlein's direction: One in the Eisenstein area, Bavaria, one in the Bayreuth area; one in the Dresden area, and possibly a fourth group in Silesia. These groups were supposedly composed of refugees from the Sudetenland who had crossed the border into Germany, but they actually contained Germans with previous service in the SA and NSKK [Nazi Motor Corps] as well. These Germans formed the skeleton of the Free Corps. On paper the Free Corps had a strength of 40,000 men. Part of the equipment furnished to Henlein, mostly haversacks, cooking utensils and blankets, were supplied by the SA." (3036-PS)

The adaptability of the SA to whatever purpose was required of it is demonstrated by its activities subsequent to the outbreak of the war. During the war the SA continued to carry out its military training program, but it also engaged in various other functions:

"The General of the SA, Wilhelm Schepmann, gave further orders to increase the employment of the SA in the homeland war territories because of the requirements of total war employment. This was done in numerous business conferences with Fuehrers of the SA-Divisions.

"As a result of these conferences, as well as of measures already carried out earlier for the totalization of the war employment, the SA now has placed 86 per cent of its main professional Fuehrer Corps at disposal at the Front even though the war missions of the SA have increased in the fields of pre-military training, the SA penetration into new territorial parts of the Reich, the air war employment, the State and national guard etc., during war time.

"The SA as a whole has given at present an even 70% of its nearly million members to the Wehrmacht." (3219-PS)

The SA even extended its activities into Poland:

"By command of the General of the SA, the 'SA-Unit General Government' was established, the command of which

was taken over by Governor-General SA Obergruppenfuehrer Dr. Frank." (3216-PS)

An affidavit of Walter Schellenberg, bureau chief in the RSHA, reads as follows:

"* * * From the beginning of 1944 on the SA also participated in many of the functions which had previously been entrusted only to the SS, SIPO and Army, for instance the guarding of concentration camps, the guarding of prisoner of war camps, the supervision over forced laborers in Germany and occupied areas. This cooperation of the SA was planned and arranged for by high officials in Berlin as early as the middle of 1943 * * *." (3232-PS)

E. Special Responsibility of Goering for the SA Program.

Hermann Goering participated in the conspiracy in his capacity as an SA member and leader. In 1923, Goering became Commander of the entire SA. A few months later Goering participated in the so-called Munich Putsch. SA troops participated with him in this action.

Goering's intention to employ the SA as a terroristic force to destroy political opponents is shown by a speech made by him on 3 March, 1933, at a Nazi demonstration in Frankfurt Am Main (1856-PS). Goering spoke as follows:

"Certainly, I shall use the power of the State and the police to the utmost, my dear Communists! So you won't draw any false conclusions by the struggle to the death in which my fist will grasp your necks, I shall lead with those down there. Those are the Brown Shirts." (1856-PS)

The importance of the SA under Goering in the early stages of the Nazi movement is shown by a letter written to Goering by Hitler (3259-PS):

"My dear Goering:

"When in November 1923 the Party tried for the first time to conquer the power of the State, you as Commander of the SA created within an extraordinarily short time that instrument with which I could bear that struggle. Highest necessity had forced us to act, but a wise providence at that time denied the success. After receiving a grave wound you again entered the ranks as soon as circumstances permitted as my most loyal comrade in the battle for power. You contributed essentially to creating the basis for the 30th of January. Therefore, at the end of a year of the National Socialist Revolution, I desire to thank you wholeheartedly,

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my dear Party Comrade Goering, for the great values which you have for the National Socialist Revolution and consequently for the German people.

"In cordial friendship and grateful appreciation.

"Yours,

"(s) Adolf Hitler!" (3259-PS)

Although Goering did not retain command of the SA, he at all times maintained a close affiliation with the organization. This is shown by the photographs of Goering participating in SA activities which have been mentioned previously. In 1937, Goering became Commander of the *Feldherrnhalle* Regiment of the SA. This was the Regiment which was employed in the occupation of the Sudetenland. (3214-PS)

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO THE STURMABTEILUNG (SA)

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 9.....	I	6
	International Military Tribunal, Indictment Number 1, Section IV (H); Appendix B.....	I	29,72
<p>Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of</p>			

Document	Description	Vol.	Page
	the document, is the official exhibit number assigned by the court.		
*392-PS	Official NSDAP circular entitled "The Social Life of New Germany with Special Consideration of the German Labor Front", by Prof. Willy Mueller (Berlin, 1938). (USA 326).....	III	380
*787-PS	Memorandum to Hitler from Public Prosecutor of Dresden, 18 June 1935, concerning criminal procedure against Vogel on account of bodily injury while in office. (USA 421).....	III	568
*1395-PS	Law to insure the unity of Party and State, 1 December 1933. 1933 Reichsgesetzblatt, Part I, p. 1016. (GB 252).....	III	978
*1721-PS	Confidential report of SA Brigadefuehrer, November 1938, concerning destruction of Jewish property. (USA 425).....	IV	214
1725-PS	Decree enforcing law for securing the unity of Party and State, 29 March 1935. 1935 Reichsgesetzblatt, Part I, p. 502.....	IV	224
*1759-PS	Affidavit of Raymond H. Geist. (USA 420).....	IV	288
*1856-PS	Extract from book entitled "Hermann Goering — Speeches and Essays", 3rd edition 1939, p. 27. (USA 437).....	IV	496
*1893-PS	Extracts from Organization Book of the NSDAP, 1943 edition. (USA 323).....	IV	529
*2168-PS	Book by SA Sturmfuehrer Dr. Ernst Bayer, entitled "The SA",		

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Document	Description	Vol.	Page
2260-PS	depicting the history, work, aim and organization of the SA. (USA 411).....	IV	772
*2354-PS	Settlement of Relationship between NSDAP and Stahlhelm (Steel Helmets) published in National Socialist Party Press Service release, 21 June 1933.....	IV	933
*2383-PS	Extracts from Organization Book of NSDAP, 5th, 6th and 7th editions, concerning SA. (USA 430) (See Chart No. 17.).....	IV	1091
*2407-PS	Ordinance for execution of decree of Fuehrer concerning position of the Head of Party Chancellery of 16 January 1942, published in Decrees, Regulations, Announcements. (USA 410).....	V	9
*2471-PS	Order concerning the Roehm purge and appointment of Lutze as Chief of Staff, published in Voelkischer Beobachter, 1934. (USA 412).....	V	82
2532-PS	Pamphlet No. 12 in a series entitled "Here Speaks the New German". Speech made in January 1936 by Victor Lutze, Chief of Staff of SA, subject: "The Affairs and Tasks of SA". (USA 413).....	V	211
*2660-PS	Extract from The Third Reich, by Gerd Ruehle.....	V	268
*2760-PS	Distribution Plan for Gaue, Kreise, and Ortsgruppen, from The Bearers of Sovereignty, 2nd Issue, 3rd Year, February 1939. (USA 325).....	V	365
*2820-PS	Extract from Mein Kampf by Adolf Hitler, 1933 edition. (USA 256).....	V	396
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	the SA of the NSDAP, published in Munich, 12 December 1933. (USA 427).....	V	456
*2821-PS	Memorandum from Supreme SA Headquarters, 19 March 1934, concerning organization of the SA and collaboration between Wehrmacht and SA. (USA 431).....	V	458
2822-PS	Letter from the Reich Military Ministry, 26 May 1933, suggesting that an SA branch and Reich Defense Council be united.....	V	459
*2823-PS	Memorandum of SA Headquarters, January 1934, concerning assignment of Wehrmacht officer to Training Division of SA. (USA 429).....	V	459
*2824-PS	Extract from book entitled "Concentration Camp Oranienburg". (USA 423).....	V	461
**3036-PS	Affidavit of Gottlob Berger on the composition and activity of the Henlein Free Corps in September 1938. (Objection to admission in evidence upheld.) (USA 102).....	V	742
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*3054-PS	"The Nazi Plan", script of a motion picture composed of captured German film. (USA 167).....	V	801
*3211-PS	Goebbels to the SA, 17 October 1935, from The Archive, Vol. 19, October 1935, p. 939. (USA 419)...	V	928
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*3214-PS	Excerpt from The Archive, Vol. 55, October 1938, p. 1069. (USA 432).....	V	930
*3215-PS	Excerpt from The Archive, Vol. 60, March 1939, p. 1834. (USA 426).....	V	930
*3216-PS	Excerpt from The Archive, Vol. 97, April 1942, p. 54. (USA 434)...	V	933
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*3219-PS	Excerpt from The Archive, Vol. 125, August 1944, p. 367. (USA 433).....	V	934
*3220-PS	Excerpt from Organization Book of NSDAP, 1943 edition, p. 358. (USA 323).....	V	935
*3221-PS	Affidavit of William F. Sollman, 26 October 1945. (USA 422).....	V	936
*3232-PS	Affidavit of Walter Schellenberg, 26 November 1945. (USA 435)...	V	937
*3252-PS	Extract from book Hermann Goering, The Man and His Work, by Eric Gritzbach, 1937. (USA 424)...	V	957
*3259-PS	Extract from book Hermann Goering, The Man and His Work, by Eric Gritzbach, p. 69. (USA 424)...	V	1007
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5. THE SCHUTZSTAFFELN (SS)

In the early weeks of the trial, there appeared in a newspaper circulated in Nurnberg an account of a correspondent's visit to a camp in which SS prisoners of war were confined. The thing which particularly struck the correspondent was the one question asked by the SS prisoners: Why are we charged as war criminals? What have we done except our normal duty?

The evidence which follows will answer that question. It will show that just as the Nazi Party was the core of the conspiracy, so the SS was the very essence of Nazism. For the SS was the elite group of the Party, composed of the most thorough-going adherents of the Nazi cause, pledged to blind devotion to Nazi principles, and prepared to carry them out without any question and at any cost. It was a group in which every ordinary value was so subverted that today its members can ask, what is there unlawful about the things we have done?

In the evidence of the conspirators' program for aggressive war, for concentration camps, for the extermination of the Jews, for enslavement of foreign labor and illegal use of prisoners of war and for the deportation and Germanization of inhabitants of conquered territories, in all this evidence the name of the SS runs like a thread. Again and again that organization and its components are referred to. It performed a responsible role in each of these criminal activities, because it was and indeed had to be a criminal organization.

The creation and development of such an organization was essential for the execution of the conspirators' plans. Their sweeping program and the measures they were prepared to use and did use, could be fully accomplished neither through the machinery of the government nor of the Party. Things had to be

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done for which no agency of government and no political party even the Nazi Party, would openly take full responsibility. A specialized type of apparatus was needed—an apparatus which was to some extent connected with the government and given official support, but which, at the same time, could maintain a quasi-independent status so that all its acts could be attributed neither to the government nor to the Party as a whole. The SS was that apparatus.

Like the SA, it was one of the seven components or formations of the Nazi Party referred to in the Decree on Enforcement of the Law for Securing the Unity of Party and State of 29 March 1935 (1725-PS). But its status was above that of the other formations. As the plans of the conspirators progressed, it acquired new functions, new responsibilities, and an increasingly more important place in the regime. It developed during the course of the conspiracy into a highly complex machine, the most powerful in the Nazi State, spreading its tentacles into every field of Nazi activity.

The evidence which follows will be directed toward showing first, the origin and early development of the SS; second, how it was organized—that is, its structure and its component parts; third, the basic principles governing the selection of its members and the obligations they undertook; and finally, its aims and the means used to accomplish them.

The history, organization, and publicly announced functions of the SS are not controversial matters. They are not matters to be learned only from secret files and captured documents. They were recounted in many publications, circulated widely throughout Germany and the world—in official books of the Nazi Party itself, and in books, pamphlets, and speeches by SS and State officials published with SS and Party approval. Throughout this section there will be frequent reference to and quotation from a few such publications.

A. Origin and General Functions of the SS.

(1) *Origin.* The first aim of the conspirators was to gain a foothold in politically hostile territory, to acquire mastery of the street, and to combat any and all opponents with force. For that purpose they needed their own private, personal police organization. The SA was created to fill such a role. But the SA was outlawed in 1923. When Nazi Party activity was again resumed in 1925, the SA remained outlawed. To fill its place and to play the part of Hitler's own personal police, small mobile groups

known as protective squadrons—*Schutzstaffel*—were created. This was the origin of the SS in 1925. With the reinstatement of the SA in 1926, the SS for the next few years ceased to play a major role. But it continued to exist as an organization within the SA—under its own leader, however—the Reichsfuehrer SS.

This early history of the SS is related in two authoritative publications. The first is a book by SS Standartenfuehrer Gunter d'Alquen entitled "The SS" (2284-PS). This pamphlet of some 30 pages, published in 1939, is an authoritative account of the history, mission, and organization of the SS. As indicated on its fly leaf, it was written at the direction of the Reichsfuehrer SS, Heinrich Himmler. Its author was the editor of the official SS publication "*Das Schwarze Korps*". The second publication is an article by Himmler, entitled "Organization and Obligations of the SS and the Police." It was published in 1937 in a booklet containing a series of speeches or essays by important officials of the Party and the State, and known as "National Political Course for the Armed Forces from 15 to 23 January 1937". (1992-A-PS)

As early as 1929, the conspirators recognized that their plans required an organization in which the main principles of the Nazi system, specifically the racial principles, would not only be jealously guarded but would be carried to such extremes as to inspire or intimidate the rest of the population. Such an organization would also have to be assured complete freedom on the part of the leaders and blind obedience on the part of the members. The SS was built up to meet this need. The following statement appears on page 7 of d'Alquen's book, "*Die SS*" (2284-PS):

"On the 16th of January, 1929, Adolf Hitler appointed his tested comrade of long standing, Heinrich Himmler, as Reichsfuehrer SS. Heinrich Himmler assumed charge thereof of the entire *Schutzstaffel* totaling at the time 280 men, with the express and particular commission of the Fuehrer to form of this organization an elite troop of the Party, a troop dependable in every circumstance. With this day the real history of the SS begins as it stands before us today in all its deeper essential features, firmly anchored into the national Socialist movement. For the SS and its Reichsfuehrer, Heinrich Himmler, its first SS man, have become inseparable in the course of these battle-filled years." (2284-PS)

Carrying out Hitler's directive, Himmler proceeded to build up out of this small force of men an elite organization which, to use d'Alquen's words, was "composed of the best physically, the most

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dependable, and the most faithful men in the Nazi movement." As d'Alquen further states, at page 12 of his book:

"When the day of seizure of power had finally come, there were 52,000 SS men, who in this spirit bore the revolution in the van, marched into the new State which they began to help form everywhere, in their stations and positions, in profession and in science, and in all their essential tasks." (2284-PS)

(2) *General Functions.* The conspirators now had the machinery of government in their hands. The initial function of the SS—that of acting as their private army and personal police force—was thus completed. But its mission had in fact really just begun. That mission is described in the Organizations book of the NSDAP for 1943 as follows:

"Missions

"The most original and most eminent duty of the SS is to serve as the protector of the Fuehrer.

"By order of the Fuehrer its sphere of duties has been amplified to include the internal security of the Reich." (2640-PS)

This new mission—protecting the internal security of the regime—was somewhat more colorfully described by Himmler in his pamphlet, "The SS as an Anti-bolshevist Fighting Organization," published in 1936 (1851-PS):

"We shall unremittingly fulfill our task, the guaranty of the security of Germany from the interior, just as the *Wehrmacht* guarantees the safety, the honor, the greatness, and the peace of the Reich from the exterior. We shall take care that never again in Germany, the heart of Europe, will the Jewish-Bolshevistic revolution of subhumans be able to be kindled either from within or through emissaries from without. Without pity we shall be a merciless sword of justice for all those forces whose existence and activity we know, on the day of the slightest attempt, may it be today, may it be in decades or may it be in centuries." (1851-PS)

This conception necessarily required an extension of the duties of the SS into many fields. It involved, of course, the performance of police functions. But it involved more. It required participation in the suppression and extermination of all internal opponents of the regime. It meant participation in extending the regime beyond the borders of Germany, and eventually, participation in every type of activity designed to secure a hold over

those territories and populations which, through military conquest, had come under German domination.

B. Organization and Branches of the SS.

The expansion of SS duties and activities resulted in the creation of several branches and numerous departments and the development of a highly complex machinery. Although those various branches and departments cannot be adequately described out of the context of their history, a few words about the structure of the SS may be useful.

For this purpose reference is made to the chart depicting the organization of the SS as it appeared in 1945. This chart was examined by Gottlob Berger, formerly Chief of the SS Main Office, who stated in an attached affidavit that it correctly represents the organization of the SS (*Chart Number 3*).

(1) *Supreme Command of the SS.* At the very top of the chart is Himmler, the Reichsfuehrer SS, who commanded the entire organization. Immediately below, running across the chart and down the right hand side, embraced within the heavy line, are the twelve main departments constituting the Supreme Command of the SS. Some of these departments have been broken down into the several offices of which they were composed, as indicated by the boxes beneath them. Other departments have not been so broken down. It is not intended to indicate that there were not subdivisions of these latter departments as well. The breakdown is shown only in those cases where the constituent offices of some department may have a particular significance in this case.

These departments and their functions are described in two official Nazi publications: The first is the Organizations Book of the NSDAP for 1943, at pages 419-422 (2640-PS). The second is an SS manual, which bears the title: "The Soldier Friend—Pocket Diary for the German Armed Forces—Edition D: Waffen SS" (2825-PS). It was prepared at the direction of the Reichsfuehrer SS and issued by the SS Main Office for the year ending 1942. In addition, the departments are listed in a directory of the SS published by one of the Main Departments of the SS (2769-PS). This document was found in the files of the Personal Staff of the Reichsfuehrer SS. It is entitled "Directory for the *Schutzstaffel* of the NSDAP, 1 November 1944", marked "Restricted", and bears the notation "Published by SS Fuerhungshauptamt, Kommandant of the General SS. Berlin—Wilmersdorf."

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Returning to the chart, following down the central spine from the Reichsfuehrer SS to the regional level, the Higher SS and Police Leaders, the supreme SS commanders in each region are reached. Immediately below these officials is the breakdown of the organization of the Allgemeine or General SS. To the left are indicated two other branches of the SS—the Death Head Units (*Totenkopf Verbaende*) and the Waffen SS. To the right under the HSS Pf is the SD. All of which, together with the SS Police Regiments, are specifically named in the Indictment (Appendix B) as being included in the SS.

(2) *Principal Branches of the SS.* Up to 1933 there were no such specially designated branches. The SS was a single group, made up of "volunteer political soldiers." It was out of this original nucleus that new units developed.

(a) *The Allgemeine SS.* The Allgemeine (General) SS was the main stem from which the various branches grew. It was composed of all members of the SS who did not belong to any of the special branches. It was the backbone of the entire organization. The personnel and officers of the Main Departments of the SS Supreme Command were members of this branch. Except for high ranking officers and those remaining in staff capacities, as in the Main Offices of the SS Supreme Command, its members were part-time volunteers. Its members were utilized in about every phase of SS activity. They were called upon in anti-Jewish pogroms of 1938; they took over the task of guarding concentration camps during the war; they participated in the colonization and resettlement program. In short, the term "SS" normally meant the General SS.

It was organized on military lines as will be seen from the chart (*Chart Number 3*), ranging from district and subdistrict down through the regiment, battalion, and company, to the platoon. Until after the beginning of the war it constituted numerically the largest branch of the SS. In 1939 d'Alquen, the official SS spokesman, said, in his book, "The SS" (2284-PS):

"The strength of the General SS, 240,000 men, is subdivided today into 14 corps, 38 divisions, 140 infantry regiments, 19 mounted regiments, 14 communication battalions and 19 engineer battalions as well as motorized and medical units. This General SS stands fully and wholly on call as in the fighting years, except for one small part of the chief leaders and men. The corps, which are presently led by a Lt. General or Major General, are subdivided into divisions, regiments, battalions and companies." (2284-PS)

Similar reference to the military organization of the General SS will be found in Himmler's speech, "Organization and Obligations of the SS and the Police" (1992-A-PS), and in the Organizations Book of the NSDAP for 1943 (2640-PS). Members of this branch, however,—with the exception of certain staff personnel—were subject to compulsory military service. As a result of the draft of members of the General SS of military age into the Army, the numerical strength of presently active members considerably declined during the war. Older SS men and those working in or holding high positions in the Main Departments of the Supreme Command of the SS remained. Its entire strength during the war was probably not in excess of 40,000 men.

(b) *The SD.* The second component to be mentioned is the Security Service of the Reichsfuehrer SS, almost always referred to as the SD. Himmler described the SD in these words (1992-A-PS):

"I now come to the Security Service (SD); it is the great ideological intelligence service of the Party and, in the long run, also that of the State. During the time of struggle for power it was only the intelligence service of the SS. At that time we had, for quite natural reasons, an intelligence service with the regiments, battalions and companies. We had to know what was going on on the opponents side, whether the Communists intended to hold a meeting today or not, whether our people were to be suddenly attacked or not, and similar things. I separated this service already in 1931 from the troops, from the units of the General SS, because I considered it to be wrong. For one thing, the secrecy is endangered, then the individual men, or even the companies, are too likely to discuss everyday problems." (1992-A-PS)

Although, as Himmler put it, the SD was only the intelligence service of the SS during the years preceding the accession of the Nazis to power, it became a much more important organization promptly thereafter. It had been developed into such a powerful and scientific espionage system under its chief, Reinhard Heydrich, that on 9 June 1934, just a few weeks before the bloody purge of the SA, it was made, by decree of Hess, the sole intelligence and counterintelligence agency of the entire Nazi Party (2284-PS). Its organization and numbers, as they stood in 1937, were thus described by Himmler (1992-A-PS):

"The Security Service was already separated from the troop in 1931 and separately organized. Its higher headquarters, coincide today with the *Oberabschnitte* and *Abschnitte*—[that is, the districts and subdistricts of the General SS]—

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and it has also field offices, its own organization of officials with a great many Command Posts, approximately three to four thousand men strong, at least when it is built up." (1992-A-PS)

Up to 1939 its headquarters was the SS Main Security Office (*Sicherheitshauptamt*), which became amalgamated in 1939 into the Reich Main Security Office (or RSHA), one of the SS main departments shown on the chart (*Chart Number 3*).

The closer and closer collaboration of the SD with the Gestapo and Criminal Police (Kripo), which eventually resulted in the creation of the RSHA, as well as the activities in which the SD engaged in partnership with the Gestapo are discussed in Section 6 on the Gestapo. The SD was, of course, at all times an integral and important component of the SS. But it is more practicable to deal with it in connection with the activities of the whole repressive police system with which it functioned.

(c) *The Waffen SS*. The third component is the Waffen SS, the combat arm of the SS, which was created, trained, and finally utilized for the purposes of aggressive war. The reason underlying the creation of this combat branch was described in the Organizations Book of the Nazi Party for 1943:

"The Waffen SS originated out of the thought: to create for the Fuehrer a selected long service troop for the fulfillment of special missions. It was to render it possible for members of the General SS, as well as for volunteers who fulfill the special requirements of the SS, to fight in the battle for the evolution of the National Socialist idea, with weapon in hand, in unified groups, partly within the framework of the Army." (2640-PS)

The term "Waffen SS" did not come into use until after the beginning of the war. Up to that time there were two branches of the SS composed of fulltime, professional, well-trained soldiers: the so-called *SS Verfuegungstruppe*, translatable perhaps as "SS Emergency Troops"; and the *SS Totenkopf Verbaende*, the "Death Head Units." After the beginning of the war, the units of the *SS Verfuegungstruppe* were brought up to division strength, and new divisions were added to them. Moreover, parts of the SS Death Head Units were formed into a division, the *SS Totenkopf Division*. All these divisions then came to be known collectively as the "Waffen SS".

This development is traced in the Organization Book of the Nazi Party for 1943:

"The origin of the Waffen SS goes back to the decree of 17 March 1933, establishing the "Stabswache" with an original

strength of 120 men. Out of this small group developed the later-called SS *Verfuegungstruppe* (SS Emergency Force)."
(2640-PS)

The function and status of the SS *Verfuegungstruppe* are described in a Top Secret Hitler order, 17 August 1938 (647-PS). That order provides, in part:

* * *

"II. The Armed Units of the SS.

"A. (The SS *Verfuegungstruppe*)

"1. The SS *Verfuegungstruppe* is neither a part of the *Wehrmacht* nor a part of the police. It is a standing armed unit exclusively at my disposal. As such and as a unit of the NSDAP its members are to be selected by the Reichsfuehrer SS according to the philosophical and political standards which I have ordered for the NSDAP and for the *Schutzstaffel*. Its members are to be trained and its ranks filled with volunteers from those who are subject to serve in the army who have finished their duties in the obligatory labor service. The service period for volunteers is for 4 years. It may be prolonged for SS *Unterfuehrer*. Such regulations are in force for SS leaders. The regular compulsory military service (par. 8 of the law relating to military service) is fulfilled by service of the same amount of time in the SS *Verfuegungstruppe*."

* * * * *

"III. Orders for the Case of Mobilization.

"A. The employment of the SS *Verfuegungstruppe* in case of mobilization is a double one.

"1. By the Supreme Commander of the Army within the wartime army. In that case it comes completely under military laws and regulations, but remains a unit of the NSDAP politically.

"2. In case of necessity in the interior according to my orders, in that case it is under the Reichsfuehrer SS and chief of the German Police.

"In case of mobilization I myself will make the decision about the time, strength and manner of the incorporation of the SS *Verfuegungstruppe* into the wartime army, these things will depend on the inner-political situation at that time." (647-PS)

Immediately after the issuance of this decree, this militarized force was employed with the Army for aggressive purposes—the taking over of the Sudetenland. Following this action, feverish preparations to motorize the force and to organize new units,

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such as antitank, machine gun, and reconnaissance battalions, were undertaken pursuant to further directives of the Fuehrer. By September 1939, the force was fully motorized, its units had been increased to division strength, and it was prepared for combat. These steps are described in the National Socialist Yearbook for the years 1940 (2164-PS) and 1941 (2163-PS). The Yearbook was an official publication of the Nazi Party, edited by Reichsleiter Robert Ley and published by the Nazi Party publishing company.

After the launching of the Polish invasion, and as the war progressed, still further divisions were added. The Organizations Book of the Nazi Party for 1943 (2640-PS) lists some eight divisions and two infantry brigades as existing at the end of 1942. This was no longer a mere emergency force. It was an SS army and hence came to be designated as the "Waffen SS" that is, "Armed" or "Combat" SS. Himmler referred to the spectacular development of this SS combat branch in his speech at Posen on 4 October 1943 to SS Gruppeneuehrers, in these terms:

"* * * Now I come to our own development, to that of the SS in the past months. Looking back on the whole war, this development was fantastic. It took place at an absolutely terrific speed. Let us look back a little to 1939. At that time we were a few regiments, guard units (*Wachverbände*) 8 to 9,000 strong,—that is, not even a division, all in all 25 to 28,000 men at the outside. True, we were armed, but really only got our artillery regiment as our heavy arm two months before the war began."

* * * * *
"In the hard battles of this year, the Waffen-SS has been welded together in the bitterest hours from the most varied divisions and sections, and from these it formed: bodyguard units (*Leibstandarte*), military SS (*Verfuegungstruppe*), Death's Head Units, and then the Germanic SS. Now when our 'Reich', Death's Head Cavalry Divisions and 'Viking' Divisions were there, everyone knew in these last weeks: 'Viking' is at my side, 'Reich' is at my side, 'Death's Head' is at my side,—'Thank God' now nothing can happen to us."
(1919-PS)

The transformation of a small emergency force into a vast combat Army did not result in any separation of this branch from the SS. Although tactically under the command of the *Wehrmacht* while in the field, it remained as much a part of the SS as any other branch of that organization. Throughout the war it was recruited, trained, administered and supplied by the main offices

of the SS Supreme Command. Ideologically and racially its members were selected in conformity with SS standards, as shown by the recruiting standards of the Waffen SS published in the SS manual, "The Soldier Friend" (2825-PS). A section of that manual entitled "The Way to the Waffen SS," reads:

"Today at last is the longed-for day of the entrance examination where the examiners and physicians decide whether or not the candidate is ideologically and physically qualified to do service in the Armed Forces SS.

"Everyone has acquainted himself with the comprehensive Manual for the Waffen SS; the principal points are as follows:

"1. Service in the Armed Forces SS counts as military service. Only volunteers are accepted."

* * * * *

"3. Every pure-blooded German in good health between the ages of 17 and 45 can become a member of the armed forces SS. He must meet all the requirements of the SS, must be of excellent character, have no criminal record, and be an ardent adherent to all Nazi socialist doctrines. Members of the *Streifendienst* and of the *Landdienst* of the Hitler Youth will be given preference because their aptitudes, qualities and schooling are indicative that they have become acquainted very early with the ideology of the SS."

* * * * *

"In all cases of doubt or difficulty the recruiting offices of the Waffen SS will advise and aid volunteers. They have branches over the entire Reich, always at the seat of the Service Command Headquarters, and work closely with the recruiting of the Waffen SS in the Main Office (SS Hauptamt) of the Reichsfuehrer SS." (2825-PS)

The recruiting activities of the SS Main Office are illustrated by its recruiting pamphlet, "The SS Calls You," an elaborate illustrated booklet containing full information covering the Waffen SS:

"If you answer the call of the Waffen SS and volunteer to join the ranks of the great Front of SS Divisions, you will belong to a corps which has from the very beginning been directed toward outstanding achievements, and, because of this fact, has developed an especially deep feeling of comradeship. You will be bearing arms with a corps that embraces the most valuable elements of the young German generation. Over and above that you will be especially bound to the National Socialist ideology." (3429-PS)

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The SS Main Office, through which these recruiting activities were conducted, was one of the principal departments of the SS Supreme Command. It is shown on the chart (the second box from the left) (*Chart Number 3*). In the breakdown of that department, shown by the boxes underneath, will be found the central recruiting office.

Other departments of the Supreme Command performed other functions in connection with the Waffen SS. The SS Operational Headquarters (*SS Fuehrungshauptamt*)—the fifth box from the left—contains the Command Headquarters of the Waffen SS (*Chart Number 3*). The functions of this department are thus defined in the SS Manual, "The Soldier Friend":

"In the *Fuehrungshauptamt* the command office of the Waffen SS handles tasks of military leadership: Training and organization of the units of the Waffen SS, supply of the troops with arms, equipment and ammunition, procurement of motor vehicles for the Waffen SS and General SS, personnel and disciplinary affairs." (2825-PS)

The SS Legal Main Office (*Hauptamt SS Gericht*) (indicated on the chart by the second box from the top on the right hand side within the heavy embracing line—(*Chart Number 3*)) controlled the administration of courts-martial and discipline within the Waffen SS. The secret Hitler order of 17 August 1938 (647-PS) had, it is true, provided that in the event of mobilization the SS militarized forces should come completely under military laws and regulations. That provision was modified by subsequent enactments: The decree of 17 October 1939 relating to special jurisdiction in penal matters for members of the SS and for members of police groups on special tasks (2946-PS); and the decree of 17 April 1940, entitled "Second Decree for the Implementation of the Decree Relating to a Special Jurisdiction in Penal Matters for Members of the SS" (2947-PS). These two decrees established a special jurisdiction in penal matters for various classes of SS members, including members of the SS militarized units, in cases which would ordinarily fall under the jurisdiction of the *Wehrmacht*; and created special SS courts to handle such cases under the direction of the SS Legal Main Office. Thus, in the vital question of discipline, as well as in recruiting, administration, and supply, the Waffen SS was subject to the SS Supreme Command.

The place of the Waffen SS as an integral part of the entire SS organization was strongly emphasized by Himmler in his address to officers of the *SS Leibstandarte* "Adolf Hitler" on the "Day of Metz":

"You must also consider the following: I cannot concentrate my mind solely on—now, please don't become conceited—the most splendid part of the SS because it *is* the most positive part and because the trade you are following *is* the most positive and most manly. I cannot do that. I must always have the *entire* SS in my mind.

"If I did not see this part, I would deny life to this most positive and most manly part of our activity; i.e., the Armed SS. I would deny your life. Because this armed SS will live only if the entire SS is alive. If the entire corps is actually an order which lives according to these laws and realizes that one part cannot exist without the other—you are unimaginable without the General SS, and the latter is not imaginable without you. The police is not imaginable without the SS, nor are we imaginable without this executive branch of the state which is in our hands." (1918-PS)

(d) *The Totenkopf Verbaende.*

The fourth component to be mentioned is the SS Death Head Units (*SS Totenkopf Verbaende.*) Their origin and purpose are succinctly described by d'Alquen on page 20 of his book, "*Die SS*":

"The SS Death Head Units form one part of the garrisoned SS. They arose from volunteers of the General SS who were recruited for the guarding of concentration camps in 1933.

"Their mission, aside from the indoctrination of the armed political soldier, is guarding enemies of the State who are held in concentration camps.

"The SS Death Head Units obligate their members to 12 years service. It is composed mainly of men who have already fulfilled their duty to serve in the *Wehrmacht*. This time of service is counted completely." (2284-PS)

Since the Death Head Units, like the *SS Verfuegungstruppe*, were composed of well trained professional soldiers, they were also a valuable nucleus for the *Waffen SS*. The secret Hitler order of 17 August 1938 (647-PS) provided for this task in the event of mobilization. The *Totenkopf Verbaende* were to be relieved from the duty of guarding concentration camps and transferred as a skeleton corps to the *SS Verfuegungstruppe*. Section II C, subparagraph 5, of that order provides: "5. *Regulations for the case of the Mobilization.*

"The *SS-Totenkopf Verbaende* form the skeleton corps for the reinforcement of the *SS-Totenkopf Verbaende* (police reinforcement), and will be replaced in the guarding of the concentration camps by members of the General SS who are over 45 years of age and had military training.

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"The skeleton corps—which up to now were units of the two replacement units for the short time training of the reinforcement of the *SS-Totenkopf Verbaende*—will be transferred to the *SS-Verfuegungstruppe* as skeleton crews of the replacement units for that unit." (647-PS)

(e) *The SS Polizei Regimente.*

The final component specifically referred to in the Indictment is the SS Police Regiments. The SS eventually succeeded in assuming controls over the entire Reich Police. Out of the police, special militarized forces were formed, originally SS Police Battalions, and later expanded to SS Police Regiments. Himmler, in his Posen speech, declared:

"Now to deal briefly with the tasks of the regular uniformed police and the Sipo [the Security Police] they still cover the same field. I can see that great things have been achieved. We have formed roughly 30 police regiments from police reservists and former members of the police—police officials, as they used to be called. The average age in our police battalions is not lower than that of the security battalions of the Armed Forces. Their achievements are beyond all praise. In addition, we have formed Police Rifle Regiments by merging the police battalions of the 'savage peoples.' Thus we did not leave these police battalions untouched but blended them in the ratio of about 1 to 3." (1919-PS)

The results of this blend of militarized SS police and "savage peoples" will be seen in the evidence, subsequently referred to, of the extermination actions conducted by them in the Eastern territories. These exterminations which were so successful and so ruthless that even Himmler could find no words adequate for their eulogy.

(3) *Unity of the Organization.*

Each of the various components described above played its part in carrying out one or more functions of the SS. The personnel composing each differed. Some were part-time volunteers; others were professionals enlisted for different periods of time. But every branch, every department, every member was an integral part of the whole organization. Each performed his assigned role in the manifold tasks for which the organization had been created. No better witness to this fact could be called upon than the Reichsfuehrer SS, whose every endeavor was to insure the complete unity of the organization. The following words are taken from his Posen speech:

"It would be an evil day if the SS and police fell out. It would

be an evil day if the Main Offices, performing their tasks well meaningly but mistakenly made themselves independent by each having a downward chain of command. I really think that the day of my overthrow would be the end of the SS. It must be, and so come about, that this SS organization with all its branches—the General SS which is the common basis of all of them, the Waffen-SS, the regular uniformed police (*Ordnungspolizei*), the SIPO (with the whole economic administration, schooling, ideological training, the whole question of kindred), is, even under the tenth Reichsfuehrer-SS *one bloc, one body, one organization.*”

* * * * *

“The regular uniformed police and SIPO, General-SS and Waffen-SS must now gradually amalgamate too, just as this is and must be the case within the Waffen-SS. This applies to matters concerning filling of posts, recruiting, schooling, economic organization, and medical services. I am always doing something towards this end, a bond is constantly being cast around these sections of the whole to cause them to grow together. Alas, if these bonds should ever be loosened—then everything—you may be sure of this—would sink back into its old insignificance in one generation, and in a short space of time.” (1919-PS)

C. *Selection, Training, and Obligations of Members.*

To understand this organization, the theories upon which it was based must be kept clearly in mind. The underlying philosophy of the SS, the principles by which its members were selected, and the obligations imposed upon them furnish the key to all its activities. It is necessary, therefore, to consider them in some detail.

(1) *The Racial Basis of the SS.*

(a) *The SS as a racial and biological elite.*

The fundamental principle of selection was what Himmler called that of Blood and Elite. The SS was to be the living embodiment of the Nazi doctrine of the superiority of Nordic blood, and of the Nazi conception of a master race. In Himmler's own words, the SS was to be a “National Socialist Soldierly Order of Nordic Men” (1992-A-PS). In describing to the *Wehrmacht* the reasons behind his emphasis on racial standards of selection and the manner in which they were carried out, he said:

“* * * Accordingly, only good blood, blood which history has proved to be leading and creative and the foundation

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of every state and of all military activities, only Nordic blood, can be considered. I said to myself that should I succeed in selecting from the German people for this organization as many people as possible a majority of whom possess this desired blood, in teaching them military discipline and, in time, the understanding of the value of blood and the entire ideology which results from it, then it will be possible actually to create such an elite organization which would successfully hold its own in all cases of emergency." (1992-A-PS)

Further on in the same speech, Himmler described the selection of candidates for his organization:

"* * * They are extremely thoroughly examined and checked. Of 100 men we can use on the average of 10 or 15, no more. We ask for the political reputation record of his parents, brothers and sisters, the record of his ancestry as far back as 1750 and naturally the physical examination and his records from the Hitler Youth. Further, we ask for a record of hereditary health showing that no hereditary disease exists in his parents and in his family. Last, but perhaps most important, is a certification of the race commission. This examining commission is composed of SS leaders, anthropologists and physicians." (1992-A-PS)

This same strict selection process for the SS was somewhat similarly described in the Organizations Book of the Nazi Party for 1943:

"Selection of Members

"For the fulfillment of these missions a homogenous firmly welded fighting force has been created bound by ideological oaths, whose fighters are selected out of the best Aryan humanity.

"The conception of the value of the blood and soil serves as directive for the selection into the SS. Every SS man must be deeply imbued with the sense and essence of the National Socialist Movement. He will be ideologically and physically trained so that he can be employed individually or in groups in the decisive battle for the National Socialist ideology.

"Only the best and thoroughbred Germans are suited for commitment in this battle. Therefore it is necessary that an uninterrupted selection is retained within the ranks of the SS, first superficially, then constantly more thoroughly." (2640-PS)

The creation of a racial and biological elite had some very practical reasons behind it. The conspirators' plans for conquest and exploitation of the conquered territories required the development

of a Nazi aristocracy which would dominate Germany and Europe for centuries to come. That purpose was explicitly stated by Himmler in his Posen speech:

"One thing must be clear, one thing I would like to say to you today: the moment the war is over, we will really begin to weld together our organization, this organization which we have built up for 10 years, which we imbued and indoctrinated with the first most important principles during the 10 years before the war. We must continue to do this—we,—if I may say so, we older men—for twenty years full of toil and work, so that a tradition 30, 35, 40 years, a generation, may be created. Then this organization will march forward into the future young and strong, revolutionary and efficient to fulfill the task of giving the German people, the Germanic people, the superstratum of society which will combine and hold together this Germanic people and this Europe, and from which the brains which the people need for industry, farming, politics, and as soldiers, statesmen and technicians, will emerge. In addition this superstratum must be so strong and vital that every generation can unreservedly sacrifice two or three sons from every family on the battle-field, and that never-the-less the continued flowing of the bloodstream is assured."
(1919-PS)

He forcibly made the same point in his address to officers of the *SS Leibstandarte* "Adolph Hitler" on the "Day of Metz":

"The ultimate aim for these 11 years during which I have been the Reichsfuehrer SS has been invariably the same: To create an order of good blood which is able to serve Germany. Which unflinching and without sparing itself can be made use of because the greatest losses can do no harm to the vitality of this order, the vitality of these men, because they will always be replaced. To create an order which will spread the idea of nordic blood so far that we will attract all nordic blood in the world, take away the blood from our adversaries, absorb it so that never again, looking at it from the viewpoint of grand policy, nordic blood in great quantities and to an extent worth mentioning will fight against us. We must get it and the others cannot have it. We never gave up the ideas and the aim conceived so many years ago. Everything we did has taken us some distance further on the way. Everything we are going to do will lead us further on the way."
(1918-PS)

Since the SS was to be made a Nazi aristocracy which would dominate not only Germany but the world for centuries to come,

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it was essential that the SS stock be perpetuated. To insure the continuance of this good blood, the first step was to limit marriages of SS men to women meeting the same requirements as to health, descent, and ideological background as the SS man himself. This was accomplished by an order of the Reichsfuehrer SS issued on 31 December 1931. This SS marriage law is set out in full in d'Alquen's Book, "The SS," (2284-PS). But proper marriages were not enough without children. A series of orders took care of that. On 13 September 1936, Himmler issued an order entitled "Foundation of the Organization '*Lebensborn e.V.*'", published in the SS manual, "The Soldier Friend":

"As early as December 13, 1934, I wrote to all SS leaders and declared that we have fought in vain if political victory was not to be followed by victory of birth of good blood. The question of multiplicity of children is not a private affair of the individual but his duty towards his ancestors and our people. "The SS has taken the first step in this direction long ago with the engagement and marriage decree of December 1931. However, the existence of sound marriage is futile if it does not result in the creation of numerous descendants."

* * * * *

"The minimum amount of children for a good sound marriage is four. Should unfortunate circumstances deny a married couple their own children, then every SS leader should adopt racially and hereditarily valuable children, educate them in the spirit of National Socialism, let them have an education corresponding to their ability." (2825-PS)

The drive for perpetuation of SS stock was continued. A further order of Himmler, issued on 28 October 1939, directed to the entire SS and the Police, is also published in the SS manual, "The Soldier Friend":

"The old saying that only those who have children can die in peace must again become acknowledged truth in this war, especially for the SS."

* * * * *

"Though in other times it may perhaps be considered an infraction of necessary social standards and conventions, German women and girls of good blood can fulfill a high obligation by bearing children out of wedlock to soldiers going to the front, whose eventual return or death for Germany lies entirely in the hands of fate—not out of promiscuity but out of a deep sense of ethics."

* * * * *

"Let us never forget that the victory of the sword and of the

spilled blood of our soldiers remains fruitless, if it is not succeeded by the victory of the child and the colonizing of conquered soil." (2825-PS)

A final order designed to assure continuance of good SS blood was issued on 15 August 1942, entitled "SS Orders to the Last Sons", also published in "The Soldier Friend":

"You SS men have been withdrawn from the front lines by order of the Fuehrer because you are the last sons. This measure has been taken because the people and the State have an interest in seeing that your families do not die out.

"It has never been the nature of SS men to submit to a fate without attempting to effect a change. It is your duty to see to it that you are no longer the last sons by producing as many children of good blood as possible." (2825-PS)

These orders were not the product of some benevolent theorist in eugenics who was interested in large and happy SS families for their own sake. They stemmed from a basic idea of the conspiracy, the plan to insure Germany's continued capacity to wage war for generations. Himmler put this theory very bluntly in his speech to officers of the *SS Leibstandarte* "Adolf Hitler" on the "Day of Metz":

"* * * If we once had not enough sons, those who will come after us will have to become cowards. A nation which has an average of four sons per family can venture a war; if two of them die, two transmit the name. The leadership of a nation having one son or two sons per family will have to be faint-hearted at any decision on account of their own experience, because they will have to tell themselves: We cannot afford it. Look at France, which is the best example. France had to accept from us a dictate." (1918-PS)

(b) *The SS as an exterminator of "inferior" races.*

Domination of Europe through a Nazi Elite required more, however, than the positive side of racism—that is, the building up of a numerous "biologically superior" group. It necessarily meant also the destruction of other races. The SS had to be, and was, taught not merely to breed, but to exterminate. In a speech delivered at Kharkov in April 1943, Himmler declared:

"We have—I would say, as very consistent National Socialists—taken the question of blood as our starting point. We were the first really to solve the problem of blood by action, and in this connection by problem of blood, we of course do not mean antisemitism. Antisemitism is exactly the same as delousing. Getting rid of lice is not a question of ideology. It is a matter of cleanliness. In just the same way, antisemitism

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for us, will soon have been dealt with. We shall soon be deloused. We have only 20,000 lice left, and then the matter is finished within the whole of Germany." (1919-PS)

But it was not merely against Jews that SS efforts were directed. All non-Nordic races were similarly condemned. In his Posen speech, Himmler stated this basic principle of the SS:

"One basic principle must be the absolute rule for the SS men: We must be honest, decent, loyal and comradely to members of our own blood and to nobody else. What happens to a Russian, to a Czech, does not interest me in the slightest. What other nations can offer in the way of good blood of our type, we will take, if necessary, by kidnapping their children and raising them here with us. Whether nations live in prosperity or starve to death interests me only so far as we need them as slaves for our culture; otherwise, it is of no interest to me. Whether 10,000 Russian females fall down from exhaustion while digging an antitank ditch interests me only insofar as the antitank ditch for Germany is finished."

* * * * *

"That is what I want to instil into this SS and what I believe I have instilled in them as one of the most sacred laws of the future." (1919-PS)

(c) *Indoctrination of members in SS racial theories.* These were the principles which were publicly reiterated, over and over again, so that the newest recruit was thoroughly steeped in them. In his Kharkov speech to the commanding officers of three Waffen SS divisions, Himmler strongly insisted on indoctrinating all SS members in his theories of the racial struggle.

"This is what is important for us as SS men, for our province of duty and our mission (it is a task additional to those of the whole German armed forces and the whole German people): That is what I would like to impress upon you. This is what I beg you as commanding officers, as chiefs and as leaders, to teach the young men again and again in their ideological instruction. That is what I demand and exact of you—that you really concern yourself with the man, the young fellow of 17 or 18 who comes to us, and with many who are in our ranks not as volunteers but as conscripts. I ask you to look after them, and guide them, and not let them go before they are really saturated with our spirit and are fighting as the old guard fought before us—that is what I request and demand of you.

"We have only one task—to stand firm and carry on the racial struggle without mercy." (1919-PS)

This function of the SS men in the racial struggle was publicly proclaimed in the Organizations Book of the NSDAP for 1943:

"He openly and relentlessly fights against the most dangerous enemies of the State: Jews, Freemasons, Jesuits and political clergymen." (2640-PS)

(2) *The Obligation of Obedience.* Indoctrination of the organization in principles of racial hatred was not enough. The members had to be ready and willing tools, prepared to carry out tasks of any nature, however distasteful, illegal or inhuman. Absolute obedience was the necessary second foundation stone of the SS. The Organizations Book of the NSDAP for 1943 thus describes this fundamental requirement:

"Obedience must be unconditional. It corresponds to the conviction that the National Socialist ideology must reign supreme. He who is possessed by it and fights for it passionately subjects himself voluntarily to the obligation to obey. Every SS man is prepared, therefore, to carry out blindly every order which is issued by the Fuehrer or which is given by his superior, irrespective of the heaviest sacrifices involved." (2640-PS)

The same point was emphasized by Himmler in the Posen speech: "I would like here to state something clearly and unequivocally. It is a matter of course that the little man must obey. It is even more a matter of course that all the senior leaders of the SS, that is the whole corps of Gruppenfuehrers, are a model of blind obedience." (1919-PS)

(3) *The SS as a Terroristic Agency.* A necessary corollary of these two fundamental principles of race and of blind obedience was ruthlessness. Subsequent evidence of SS activities will prove how successfully the SS learned the lesson it was taught. The SS had to and did develop a reputation for terror which was carefully cultivated. Himmler himself attested to it as early as 1936 in a speech publicly delivered at the Peasant's Day Rally and subsequently published and circulated in pamphlet form under the title "The SS as an Anti-bolshevist Fighting Organization":

"I know that there are some people in Germany who become sick when they see their black coats. We understand the reason for this and do not expect that we shall be loved by too many." (1851-PS)

(4) *Continuance of the Elite and Voluntary Character of the SS.* The role which the SS was to play required that it remain constantly the essence of Naziism, and that its elite Nazi quality never

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be diluted. For this reason the SS was for a time temporarily closed to new members, and those who had proved unfit were weeded out. Himmler described this process in his article "Organization and Obligations of the SS and the Police" (1992-A-PS). Referring to the influx of new adherents to the Party and its organizations in 1933, he said:

"A very difficult question confronted us at that time. It was a question of deciding whether to close the Party and its organizations to further membership and thus remain pure in quality but small in volume, or of opening them to further membership to increase their volume."

* * * * *

"The SS too was endangered by this menace. Therefore I closed it while some of the other organizations accepted as great a number of people as possible. This way I had the SS again under my control in April and said: We shall accept no more people. From the end of 1933 to the end of 1935 we expelled all those of the newly accepted members who proved unsuitable." (1992-A-PS)

These standards were not abandoned later. Indeed, in 1943 the Organizations Book of the Nazi Party stated that:

"The demands with respect to racial purity of the SS are being increased every year."

And in the same year, 1943, Himmler emphasized this point in a letter written to Kaltenbrunner (2768-PS).

This letter from the Reichsfuehrer SS, which bears the date 24 April 1943, states in part as follows:

"Referring again to the matter which I discussed some time ago, i.e., the admission of SIPO officials into the SS. I wish to clarify again: I want an admission only if the following conditions are fulfilled:

- "1. If the man applies freely and voluntarily;
- "2. If, by applying strict and peacetime standards, the applicant fits racially and ideologically into the SS, guarantees according to the number of his children a really healthy SS stock, and is neither ill, degenerate nor worthless."

* * * * *

"I beg you not only to act accordingly in the future, but especially also that numerous admissions into ranks of the SS in the past be reexamined and revised according to these instructions." (2768-PS)

(5) *Method of Acquiring Membership in the SS.* The normal

method by which membership in the SS was attained was discussed by Himmler in his article, "Organization and Obligations of the SS and Police":

"The age groups in the SS are as follows: With 18 years the young man enters the SS. He is first an applicant, after three months he takes the oath on the Fuehrer and thus becomes a candidate (*Anwaerter*). As a candidate during the first year he takes examinations for his SA sport insignia and his bronze sport insignia. At the age of 19 or 19½, according to the time of his acceptance, he is conscripted for the labor service and subsequently for the *Wehrmacht*. After two more years he comes back from the *Wehrmacht* unless he remains there as a prospective noncommissioned officer or reenlists. If he returns to us, he is still candidate. In these weeks he is especially thoroughly instructed in ideology. The first year is for him a period of elementary ideological indoctrination. In these weeks following his return from the *Wehrmacht* he receives special instruction about the marriage law and all other laws pertaining to the family, and the honor laws. On the 9th of November, following his return from the *Wehrmacht*, he becomes an SS man in the true sense. The Reichsfuehrer of the SS is just as much an SS man in the sense of the SS organization as the common man at the front. On this 9th of November he is awarded the dagger, and at this occasion he promises to abide by the marriage law and the disciplinary laws of the SS, since the family is also subject to these laws. From this day on he has the right and the duty to defend his honor with a weapon as laid down by the honor laws of the SS. The applicants and candidates do not yet have this right. The SS man remains in the so-called active General SS until his 35th year. From his 35th to his 45th year he is in the SS reserve, and after his 45th year in the *Stammabteilung* of the SS, identified by the grey color patch." (1992-A-PS)

The oath to the Fuehrer, referred to by Himmler in the passage just quoted, appears in the SS recruiting pamphlet, "The SS Calls You":

"The Oath of the SS Man:

"I swear to you, Adolf Hitler, as Fuehrer and Reichschancellor, loyalty and bravery. I vow to you, and to those you have named to command me, obedience unto death, so help me God." (3429-PS)

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D. *Criminal Aims and Activities of the SS.*

(1) *The Purge of 20 June 1934.* Proof of the elite Nazi quality and thorough reliability of the SS, the test by which it won its spurs, occurred on 30 June 1934, when it participated in the purge of the SA and other opponents or potential opponents of the Nazi regime. That was the first real occasion for use of this specialized organization which could operate with the blessing of the Nazi State but outside the law. In an affidavit signed and sworn to in Nurnberg on 19 November 1945, Wilhelm Frick says, referring to the victims of that purge:

"They were just killed on the spot. Many people were killed—I don't know how many—who actually did not have anything to do with the putsch. People who just weren't liked very well, as for instance, Schleicher, the former Reich Chancellor, were killed * * * The SS was used by Himmler for the execution of these orders to suppress the putsch." (2950-PS)

Himmler referred to this same event in his Posen speech:

"Just as we did not hesitate on June 20, 1934, to do the duty we were bidden, and stand comrades who had lapsed, up against the wall and shoot them, so we have never spoken about it and will never speak about it." (1919-PS)

It was in recognition of its services in this respect that the SS was elevated to the status of a component of the Party equal in rank to the SA and other similar branches. The following announcement appeared on page 1 of the *Voelkischer Beobachter* of 26 July 1934:

"The Reich press office announces the following order of the Fuehrer.

"In consideration of the greatly meritorious service of the SS, especially in connection with the events of 30 June 1934, I elevate it to the standing of an independent organization within the NSDAP.

"Munch 20 July 1934." (1857-PS)

(2) *Functions as a Repressive Police Organization.*

One of the first steps essential to the security of any regime is control of the police. The SS was the type of organization which the conspirators needed for this purpose. Their aim was to fuse the SS and police, and to merge them into a single, unified repressive force.

Shortly after the seizure of power the conspirators began to develop as part of the state machinery, secret political police forces. These originated in Prussia with the Gestapo, established

by decree of Goering in April 1933, and were duplicated in the other German States. (This development is discussed in Section 6 on the Gestapo.) By 1934 Himmler, the Reichsfuehrer SS, had become the chief of these secret political police forces in each of the German states except Prussia, and deputy chief of the Prussian Gestapo. In that capacity he infiltrated these forces with members of the SS until a virtual identity of membership was assured.

On 17 June 1936, by Decree on the Establishment of a Chief of the German Police (2073-PS), the new post of Chief of the German Police was created in the Ministry of the Interior. Under the terms of the decree, Himmler was appointed to this post with the title of "Reichsfuehrer SS and Chief of the German Police in the Ministry of the Interior." The combination of these two positions, that of leadership of the SS and head of all the police forces in the Reich, was no accident but was intended to establish a permanent relation between the two bodies and not a mere "transitory fusion of personnel." The significance of the combination of these two positions was referred to by Hitler in the preamble to his secret order of 17 August 1938:

"By means of the nomination of the Reichsfuehrer SS and Chief of the German Police in the Ministry of the Interior on June 17th, 1936 (*Reichsgesetzblatt* I, page 487), I have created the basis for the unification and reorganization of the German Police.

"With this step, the *Schutzstaffeln* of the NSDAP, which were under the Reichsfuehrer SS and Chief of the German Police even up to now, have entered into close connection with the duties of the German Police." (647-PS)

Upon his appointment, Himmler immediately proceeded to reorganize the entire Reich Police Force, designating two separate branches: (1) the regular uniformed police force (*Ordnungspolizei*, or Orpo), and (2) the Security Police (*Sicherheitspolizei*, or Sipo). The Sipo was composed of all criminal police organizations in the Reich and all the secret political police forces, or Gestapo. This reorganization was achieved by the Decree Assigning Functions in the Office of the Chief of the German Police (1551-PS). To be head of the Sipo, that is the criminal police and Gestapo, Himmler appointed Reinhard Heydrich, who was at that time the Chief of the SD. Thus, through Himmler's dual capacity as leader of the SS and as Chief of the Police, and through Heydrich's dual capacity as head of the Sipo and as chief of the SD, a unified personal command of the SS and Security Police Forces was achieved. But further steps toward unification were later taken. In 1939, the Security Police and the SD were combined in a single depart-

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ment, the Reich Security Main Office, commonly referred to as the RSHA. (The details of the organization of the RSHA are discussed in Section 6 on the Gestapo.) The important point to be observed is this: The newly created Reich Security Main Office was not a mere department of the Government. It was a dual body: an agency of the government, organizationally placed in the Department of the Interior, and at the same time one of the principal departments of the SS, organizationally placed in the Supreme Command of the SS. (Cf. the chart of the SS organization (*Chart Number 3*)). The following description of the RSHA appears in the Organizations Book of the NSDAP for 1943:

"The RSHA handles all the organizational, personnel, management and technical affairs of the Security Police and the SD. In addition, it is the central office of the State Police and criminal police executive, as well as the central directorate of the intelligence net of the SD." (2640-PS)

The position of the RSHA in the Supreme Command of the SS is also similarly described in the SS manual, "The Soldier Friend". (2825-PS)

But it was not merely the Gestapo and the Criminal Police which came under the sway of the SS. The regular uniformed police as well were affected. For, like the RSHA, the Department of the Regular Police (*Ordnungspolizei*, or Orpo), was not merely a department in the Ministry of the Interior, but also simultaneously in the Supreme Command of the SS. Its position in the SS is indicated by the seventh box on the chart of the SS organization (*Chart Number 3*). The following description of the Department of the Regular Police appears in the Organizations Book of the NSDAP for 1943:

"The sphere of duties of the Main Office of the *Ordnungspolizei* includes police administration as well as the management and direction of the protective police (*Schutzpolizei*) of the Reich, the Gendarmes, the protective police of the community, the water protection police, the air protection police, the fire protection police, the protective groups in the occupied territories, the colonial police, the volunteer fire department, the compulsory and youth fire departments, the technical aid and the technical SS and police academy." (2640-PS)

The position of this Department in the SS Supreme Command is also similarly described in the SS Manual, "The Soldier Friend". (2825-PS)

This unity of the Command was not a mere matter of the highest headquarters. It extended down to the operating level. As the chart shows, the Higher SS and Police Leader in each region, who

was directly subordinate to Himmler, had under his command both the Security Police and the regular, uniformed police (*Chart Number 3*). These forces were subject to his orders as well as to those of the RSHA and the Department of the Regular Police respectively. This position of the Higher SS and Police Leader is described in the Organizations Book of the NSDAP for 1943. (2640-PS)

SS control of the police was, however, not only a matter of organization and of unified command. Unity of personnel was also in large measure achieved. Vacancies occurring in the police forces were filled by SS members; police officials retained in the force were urged to join the SS; and schools operated by the SS were the required training centers for police as well as SS officials. These measures are described in Himmler's article, "Organization and Obligations of the SS and the Police" (1992-A-PS). They are also described in an authoritative book on the police and on the SS, entitled "The German Police," written by Dr. Werner Best, a Ministerial Director in the Ministry of the Interior and a department head in the Security Police and published in 1940. It bears on its fly-leaf the imprimatur of the Nazi Party and is listed in the official list of National Socialist Party bibliography. Chapter 7 from that book is reproduced in document (1852-PS). Reference is also made to the order of the Reichsfuehrer SS and Chief of the German Police of 23 June 1938, entitled "Acceptance of Members of the Security Police into the SS" (1637-PS). In that order provision was made for admitting members of the Security Police into the SS upon certain conditions. The preamble of the order states that it was issued "with the aim of fusing members of the German Police with the 'Schutzstaffel' of the National Socialist German Workers Party into one uniformly turned out State Protective Corps of the National Socialist Reich" (1637-PS). Parenthetically, it should be observed that even this aim was not sufficient to cause a relaxation of SS admission standards since the order provided that, to be admitted as an SS member, personnel of the Security Police were obliged to fulfill the general requirements of the SS (its racial and ideological standards).

Through this unity of organization and personnel, the SS and the police became identified in structure and in activity. The resulting situation was described by Best as follows:

"Thus the SS and the Police form a unit, both in their structure and in their activity, although their individual organizations have not lost their true individuality and their position in the larger units of the Party and State administration

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"In the relationship between the Police and the SS, the principle of the 'orderly' penetration of an organization of the National order has been realized for the first time to the final outcome through the supporters of the National Socialist movement". (1852-PS)

As Himmler stated in his address to the officers of *SS-Leibstandarte* "Adolph Hitler" on the "Day of Metz":

"I want to tell you: In the entire Waffen-SS we must begin to view the other great activity of the entire SS (*Gesamt-SS*) and entire Police. We must see to it that you consider the activity of the man in the green uniform as just as valuable as the activity you yourself are engaged in. You have to consider the work of the SD man or the man of the Security Police as a vital part of our whole work just like the fact that you can carry arms". (1918-PS)

Through the police the SS was in a position to carry out a large part of the functions assigned to it. The working partnership between Gestapo, the criminal police, and the SD, under the direction of the Reichsfuehrer SS, resulted in the ultimate in repressive and unrestrained police activity. (Cf. the discussion in Section 6 on the Gestapo.) It must be remembered that the Gestapo activities were but one aspect of SS functions—one part of the whole criminal SS scheme.

(3) *Functions and Activities with Respect to Concentration Camps.* Control over the police, however, was not enough. Potential sources of opposition could be tracked down by the SD. Suspects could be seized by the criminal police and Gestapo. But those means alone would not assure the complete suppression of all opponents and potential opponents of the regime. For this purpose concentration camps were invented, and the SS was given large responsibility in that system.

(a) *Criminal activities of SS guards and camp personnel.* The first requirement of the camps was for guard and administrative personnel. Part-time volunteer members of the *Allgemeine SS* were originally utilized as guards. But part-time volunteers could not adequately serve the need of the extensive and long-range program that was planned. Hence, beginning in 1933 full-time professional guard units (the *SS Totenkopf Verbaende*) were organized. Their very name ("Death Head Units") and their distinguishing insignia, the skull and cross bones, appropriately marked the type of activity in which they engaged.

During the war, members of the *Allgemeine SS* resumed the function of guarding the camps which they had undertaken when

the camps were created. This was provided for in the Hitler order of 17 August 1938 (647-PS) directing the substitution of *Allgemeine SS* members for the Death Head Units in the event of mobilization. That substitution took place. In reviewing the events of the period between 1938 and 1940, significant for the SS, the National Socialist Yearbook of 1940 congratulated the *Allgemeine SS* on the performance of its new mission:

"However, not only the garrisoned parts of the SS were employed. Also the General SS were brought forth for special missions. Thousands of younger and older SS comrades were employed for the strengthening of the police and for the guarding of concentration camps and have faithfully fulfilled their duty throughout the weeks." (2164-PS)

It is unnecessary to repeat the evidence of wholesale brutalities, tortures, and murders committed by SS guards. These were not sporadic crimes committed by irresponsible individuals. They were a part of a definite and calculated policy, which necessarily resulted from SS philosophy, and which was carried out from the initial creation of the camps.

Himmler bluntly explained to the *Wehrmacht* in 1937 the prevailing view of the SS as to the inmates of concentration camps:

"It would be extremely instructive for everyone, some members of the *Wehrmacht* were already able to do so, to inspect such a concentration camp. Once they have seen it, they are convinced of the fact that no one had been sent there unjustly; that it is the offal of criminals and freaks. No better demonstration of the laws of inheritance and race, as set forth by Doctor Guett, exists than such a concentration camp. There you can find people with hydrocephalus, people who are cross-eyed, deformed, half-Jewish, and a number of racially inferior products. All that is assembled there. Of course, we distinguish between those inmates who are only there for a few months for the purpose of education, and those who are to stay for a very long time. On the whole, education consists of discipline, never of any kind of instruction on an ideological basis, for the prisoners have, for the most part, slave-like souls; and only very few people of real character can be found there." (1992-A-PS)

Even these "slave-like souls," however, might be redeemed by SS hygienic measures. For, as Himmler continued:

"The discipline thus means order. The order begins with these people living in clean barracks. Such a thing can really only be accomplished by us Germans, hardly another nation would be as humane as we are. The laundry is frequently

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changed. The people are taught to wash themselves twice daily, and the use of a toothbrush with which most of them have been unfamiliar." (1992-A-PS)

Despite this callous jest to the *Wehrmacht*, all pretense was swept away in Himmler's speech to his own Gruppenfuehrers at Posen:

"I don't believe the Communists could attempt any action, for their leading elements, like most criminals, are in our concentration camps. And here I must say this—that we shall be able to see after the war what a blessing it was for Germany that, in spite of all the silly talk about humanitarianism, we imprisoned all this criminal substratum of the German people in concentration camps: I'll answer for that." (1919-PS).

Certainly there was no "silly humanitarianism" in the manner in which SS men performed their task. An illustration of their conduct, not in 1944 or 1945 but in 1933, is shown in four reports relating to the deaths of four different inmates of the Concentration Camp Dachau between May 16 and 27, 1933. Each report is signed by Winterberger, the Public Prosecutor of the District Court in Munich, and addressed to the Public Prosecutor of the Supreme Court of Munich. The first (641-PS) 1 June 1933, relates to the death of Dr. Alfred Strauss, a prisoner in protective custody in Dachau. That report states:

"On May 24, 1933 the 30 year old, single, attorney at law, Dr. Alfred Strauss from Munich who was in the concentration camp Dachau as a prisoner under protective custody was killed by 2 pistol shots from SS man Johann Kantschuster who escorted him on a walk outside of the fenced part of the camp prescribed to him by the camp doctor.

"Kantschuster gives the following report: He himself had to urinate; Strauss proceeded on his way. Suddenly Strauss broke away towards the shrub located at a distance of about 6 m from the line. When he noticed it, he fired 2 shots at the fugitive from a distance of about 8 m, whereupon Strauss collapsed dead.

"On the same day, May 24, 1933, a judicial inspection of the locality took place. The corpse of Strauss was lying at the edge of the wood. Leather slippers were on his feet. He wore a sock on one foot, while the other foot was bare, obviously because of an injury to this foot. Subsequently an autopsy was performed. Two bullets had entered the back of his head. Besides, the body showed several black and blue spots (*Blutunterlaufung*) and also open wounds."

* * * * *

"I have charged Kantschuster today with murder and have made application for opening and execution of the judicial preliminary investigation as well as for a warrant of arrest against him." (641-PS)

The second (642-PS) also 1 June 1933, relates to the death of Leonhard Hausmann, another prisoner in Dachau. That letter states:

"On 17 May 1933, Leonhard Hausmann from Augsburg, 31 years old, married, relief worker, who was kept in protective custody in the Dachau concentration camp, was shot by SS Staff Sergeant Karl Ehmann. According to the account of the latter, Hausmann was to dig out young fir trees in the woods in the vicinity of the camp and pile them up on a certain spot. He was supervised by Ehmann. Suddenly the latter did not see him anymore. Therefore Ehmann looked after the prisoners and saw him running away in a stooped position, Ehmann ran after him, called 'Halt' several times, once also 'Stop,' but in vain. Whereupon Ehmann raised his pistol at the prisoner and fired without aiming; Hausmann dropped dead. Ehmann asserts that he fired from a distance of 10 to 12 meters.

"The corpse was inspected already on 17 May 1933 with the assistance of the State court physician. It was found that death was due to a shot through the left side of the chest. According to the autopsy protocol, the shot was fired from a distance less than 1 meter. Meanwhile the legal-medical institute ascertained that the distance was less than 30 cm." (642-PS)

The third (644-PS) 22 May 1933, relates to the death of Louis Schloss, an inmate of Dachau. Attached to the letter is a copy of a report of the autopsy conducted in the Schloss case, signed by the examining physicians. The letter of 22 May 1933, begins:

"In the afternoon of 16 May 1933 the police station Dachau informed the State Prosecution that an inmate of the concentration camp Dachau, the merchant Louis Schloss, from Nurnberg, widowed, born on 21 June 1889, has hanged himself in solitary confinement. At the request of the state prosecution, on the same day the legal inspection was performed with the assistance of the state court physician with the State Court Munich II. As it was proven that the corpse exhibited numerous whip marks and as the cause of death appeared doubtful, an autopsy was carried out on 17 May 1933. According to a preliminary certificate of the partici-

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pating physicians, the autopsy did not prove death by hanging". (644-PS)

The preliminary opinion of the examining physician states:

"Preliminary opinion:

"I. The death through hanging could not be proven by autopsy.

"II. Extensive blood suffusions and whipmarks were found, particularly on the back, on the buttocks and on both arms, as well as on both legs, abdomen and thorax to a minor extent. In the region of the buttocks and shoulders extensive destruction of adipose tissue was found together with the blood suffusions. This is adequate to explain death through autointoxication and fat embolism." (644-PS)

The fourth (645-PS) 1 June 1933, relates to the death of Sebastian Nefzger, another Dachau prisoner. The letter reads:

"On May 27, 1933, the following report was received by the Lower Court Dachau:

"Concentration Camp Dachau, Political Division, May 27, 1933, to the Lower Court Dachau. An inquest on the dead body of the prisoner Nefzger Sebastian merchant in Munich, Schommerstrasse 17/0, born: 1/10/1900 in Munich, religion: Catholic, marital status: married—showed that death through the action of third persons must be excluded. Death was indubitably caused by excessive bleeding resulting from an opened artery of the left hand. Signed Dr. Nuernbergk, Camp Physician.

"Neither the Lower Court Dachau nor the State Attorney Munich II had up to that time been informed of Nefzger's death reported in the letter in spite of the fact that Nefzger had already died in the night of the 25 to the 26th of May 1933. The Lower Court Dachau informed the State Attorney, Munich II of this letter. A coroner's inquest was ordered, which took place as late as May 27, 1933. Since the physician appointed by the Superior Court, doubted that death had occurred to excessive bleeding and in identified marks of strings on the victim's neck, a judicial autopsy was arranged by the State Attorney on May 29, 1933. The resulting opinion of the expert is so far: I) The autopsy discloses that excessive bleeding due to a cut on the left arm must be excluded as a cause of death: II) The cut on the left wrist reveals three incisions of the bone. Trial cuts are lacking. These findings are contrary to the assumption that the wound has been self-inflicted: III) It must be assumed that the cause of death was suffocation. As a cause for suffocation, strangu-

lation and throttling must be considered. The characteristics of the marks left by the strings do not agree with those otherwise observed in cases of death caused by hanging.” (645-PS)

These four murders, committed within the short space of two weeks in the Spring of 1933, each by different SS guards, are but a few examples of SS activities in the camps even as early as 1933. Many similar examples from that period and later periods could be produced.

Indeed, that sort of thing was officially encouraged. Disciplinary Regulations for the Dachau Concentration Camp were issued on 1 October 1933 by SS Fuehrer Eicke, who later became commander of all the Death Head Units (778-PS). The fourth paragraph of the introduction of those rules provides:

“Tolerance means weakness. In the light of this conception, punishment will be mercilessly handed out whenever the interests of the Fatherland warrant it. The fellow countryman who is decent but misled will never be affected by these regulations. But let it be a warning to the agitating politicians and intellectual provocators—regardless of which kind—; be on guard not to be caught, for otherwise it will be your neck and you will be shut up according to your own methods.” (778-PS)

So many inmates were killed “while trying to escape,” to use the pat official phrase, that by 1936 the Minister of Justice was moved to appeal to Himmler to regulate the use of firearms by the Death Head Units. A memorandum 9 March 1936, prepared by Minister of Justice Guertner, reads as follows:

“On the 2d of this month, using the Hoppe case as an illustration, I discussed the question of use of arms by the guard-personnel of the concentration camp with the Reichsfuehrer SS. I suggested to Himmler that he issue an order on the use of arms for the officials subordinated to him. I referred in this respect to the example of the decree on the use of arms by the armed forces of 17 January of this year. Himmler has promised me that such a decree will be issued and will grant us participation in the preliminary work.” (781-PS)

The memorandum bears the pencil notation, “Initiative with Himmler”. Subsequent events showed how Himmler carried out this initiative.

(b) *Administration of concentration camps through SS agencies.* Furnishing guard personnel was not the only function of the SS with relation to the camps. The entire internal management of the camps, including the use of prisoners, their housing,

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clothing, sanitary conditions, the determination of their right to live and the disposal of their remains, was controlled by the SS. Such management was first vested in the leader of the SS Death Head Units, who also had the title of Inspector of the Concentration Camps. This official was originally a part of the SS Main Office (*SS Hauptamt*), represented on the chart by the second box from the left (*Chart Number 3*).

During the course of the war, in March 1942, control of concentration camps was transferred to another of the departments of the SS Supreme Command, the SS Economic and Administration Main Office (commonly known as WVHA). That department is indicated on the chart by the third box from the left (*Chart Number 3*).

That change was announced in a letter to Himmler 30 April 1942 from SS Obergruppenfuehrer and General of the Waffen SS Pohl, the Chief of WVHA (*R-129*). In that letter Pohl reported on the measures he had taken to carry out Himmler's order of 3 March 1942 to transform the camps into large scale economic enterprises, and inclosed an order to all concentration camp commanders which provided that no longer was there to be any limit on working hours in the camps. (*R-129*)

(c) *SS control of concentration camps and the slave labor program.* This shift of control to WVHA coincided with the change in the basic purposes of the concentration camps. Political and security reasons, which previously had been the grounds for confinement, were abandoned and the camps were made to serve the Nazi slave labor program.

To satisfy the increased demands for manpower it was not enough to work the inmates of the camp harder. More inmates had to be obtained. Through its police arm, the SS was prepared to satisfy this demand. On 17 December 1942 an order was issued to all commanders of the Security Police and SD directing that at least 35,000 prisoners qualified for work be sent immediately to the concentration camps (*1063-D-PS*). Thirty-five thousand prisoners was, of course, merely the beginning. The SS dragnet was capable of catching many more slaves. A directive to all the departments of the SS Supreme Command signed by Himmler at his field headquarters on 5 August 1943, ordered the collection of men, women, and children for work in coal mines (*744-PS*). This directive implements an order signed by Keitel directing the use of all males captured in guerilla fighting in the East for forced labor (*744-PS*). The Himmler directive, it will be noted, is addressed to every main office in the SS Supreme Command:

"*Subject: Manpower for coal mining industry. Reference: Letter of the command staff of the Reichsfuehrer SS — journal No. Ia/1909/43 secret.* Secret

1. Chief of the personal staff of Reichsfuehrer SS.
2. SS Main Office.
3. Reich security main office (RSHA).
4. Race and resettlement main office—SS.
5. Main office, ordinary police.
6. SS economic administrative main office.
7. SS personal main office.
8. Main office SS court.
9. SS Supreme Command—Headquarters of the Waffen SS.
10. Staff Headquarters of the Reichcommissar for the consolidation of Germanism.
11. Main office center for Racial Germans (*Volksdeutsche Mittelstelle*).
12. Office of SS Obergruppenfuehrer Heissmeyer.
13. Chief of the guerilla-fighting units.
14. Higher SS and Police Leader Ostland.
15. Higher SS and Police Leader Russia-Center.
16. Higher SS and Police Leader Russia-South.
17. Higher SS and Police Leader Northeast.
18. Higher SS and Police Leader East.
19. Higher SS and Police Leader Alpine territory.
20. Higher SS and Police Leader Serbia.
21. Commissioner of the Reichsfuehrer SS for Croatia.

"To figure 4 of the above-mentioned order, I order, that all young female prisoners, capable of work, are to be sent to Germany for work, through the agency of Reich Commissioner Sauckel.

"Children, old women, and men are to be collected and employed in the women's and children's camps, established by me, on estates as well as on the border of the evacuated area." (744-PS)

In April 1944 the SS was called on to produce even more laborers, this time 100,000 to be drawn from Hungarian Jews, as shown by the minutes of Speer's discussion with Himmler on 6 and 7 April 1944. (R-124)

The last source of manpower had not been tapped. To Jews, deportees, women and children, there was added the productive power of prisoners of war. Naturally enough it was through the SS that the conspirators squeezed the last drop of labor from such prisoners. Speer's minutes of his conference with the Fuehrer on 5 March 1944, state:

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"Told the Fuehrer of the Reichs Marshal's wish for further utilization of the production power of prisoners of war by giving the direction of the Stalag to the SS with the exception of the English and Americans. The Fuehrer considers the proposal good and has asked Colonel von Below to arrange matters accordingly." (R-124)

That matters were soon arranged is shown by Speer's statement made at the 58th discussion of the Central Planning Board on 25 May 1944 (R-124):

"Speer: We have come to an arrangement with the Reichsfuehrer SS as soon as possible so that PW's he picks up are made available for our purposes. The Reichsfuehrer SS gets from 30 to 40 thousand men per month." (R-124)

Finally, in order to insure SS control over the labor of prisoners of war, the Reichsfuehrer SS was appointed by Hitler as head of all prisoner of war camps on 25 September 1944. A circular letter from the Director of the Party Chancellery, 30 September 1944 and signed by M. Bormann, states:

"1. The Fuehrer has ordered under the date 25 Sept 1944: The custody of all prisoners of war and interned persons, as well as prisoner of war camps, and institutions with guards are transferred to the commander of the Reserve Army from October 1, 1944.

* * * * *

"2. The Reichsfuehrer SS has commanded:

"a. In my capacity as Commander of the Reserve Army, I transfer the affairs of prisoners of war to Gottlieb Berger, SS-Lieut. General (*SS-Obergruppenfuehrer und General der Waffen-SS*) Chief of Staff of the *Volkstums*."

* * * * *

"c. The mobilization of labor of the prisoners of war will be organized with the present labor mobilization office in joint action between SS-Lieut. General Berger (*SS-Obergruppenfuehrer*) and SS-Lieut. General Pohl.

"The strengthening of security in the field of prisoner of war affairs is to be accomplished between SS-Lieut. General Berger and the Chief of the Security Police, SS-Lieut. Gen. Dr. Kaltenbrunner." (058-PS)

So impressive were the results obtained from SS concentration camp labor that Goering on 14 February 1944 called on Himmler for more inmates for use in the aircraft industry (1584-I-PS). Himmler's reply to that request reads, in part, as follows:

"Most Honored Reichsmarshal:

"Following my teletype letter of the 18 Feb. 44 I herewith

transmit a survey on the employment of prisoners in the aviation industry.

"This survey indicates that at the present time about 36,000 prisoners are employed for the purposes of the air force. An increase to a total of 90,000 prisoners is contemplated.

"The production is being discussed, established, and executed between the Reich Ministry of aviation and the chief of my economic-administrative main office, SS-Obergruppenfuehrer and General of the Waffen-SS, Pohl respectively.

"We assist with all forces at our disposal.

"The task of my economic-administrative main office, however, is not solely fulfilled with the delivery of the prisoners to the aviation industry as SS-Obergruppenfuehrer Pohl and his assistants take care of the required working speed thru constant and supervision of the work-groups [Kommandos] and therefore have some influence on the results of production. In this respect I may suggest consideration of the fact that in enlarging our responsibility thru a speeding up of the total work, better results can definitely be expected.

"We also have for some time adjusted our own stone-quarries to production for the airforce. For instance in Flossenbuerg near Weiden the prisoners employed previously in the quarry are working now in the fighter plane program for the Messerschmitt corporation Regensburg, which saw in the availability of our stone-mason shops and labor forces after the attack on Regensburg at that time a favorable opportunity for the immediate partial transfer of their production. Altogether 4,000 prisoners will work there after the expansion. We produce now with 2,000 men 900 sets of engine cowlings and radiator covers as well as 120,000 single parts of various kinds for the fighter ME 109.

"In Oranienburg we are employing 6,000 prisoners at the Heinkel works now for construction of the HE 177. With that we have supplied 60% of the total crew of the plant."

* * * * *

"The movement of manufacturing plants of the aviation industry to subterranean locations requires *further* employment of about 100,000 prisoners. The plans for this employment on the basis of your letter of 14 Feb. 1944 are already under way.

"I shall keep you, most honored Reichsmarshal, currently informed on this subject.

"Heil Hitler

"[initialled] HH" (1584-III-PS)

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Inclosed with that letter was a report in tabular form of the number of prisoners being used in each of the concentration camps, the total man-hours for the month of January 1944, and the type of production in which such prisoners were engaged. That report is signed by Pohl, the Chief of WVHA (1584-III-PS). The total appearing under the column "Number of prisoners planned" is 90,785; under the column "Number of prisoners used," 35,839; and under the column "Man-hours—January," 8,733,495. (1584-III-PS)

The extent to which the number of prisoners was increased through SS efforts is illustrated by a report from Office Group D of WVHA, 15 August 1944:

"Subject: Report of the number of prisoners and Survey of prisoners clothing type G and Z and the supply of G available.

"Reference: Telephone call by SS—Sturmbannfuehrer Waschkau on 15.8.44."

* * * * *

"With reference to the above-mentioned telephone call, I am sending herewith a report on the actual number of prisoners for 1.8.1944 and of the new arrivals already announced, as well as the clothing report for 15.8.44.

"(1). The actual number on 1.8.44, consisted of:

a. Male prisoners	379,167
b. Female prisoners	145,119

"In addition, there are the following new arrivals:

1. From the Hungary program (antiJewish action) 90,000
2. From Litzmannstadt (Police prison and Ghetto) 60,000
3. Poles from the General Government..... 15,000
4. Convicts from the Eastern Territories..... 10,000
5. Former Polish officers..... 17,000
6. From Warsaw (Poles)..... 400,000
7. Continued arrivals from France approx. 15,000-20,000

"Most of the prisoners are already on the way and will be received into the Concentration Camps within the next few days." (1166-PS)

(d) *SS control of concentration camps and the ill treatment and murder of inmates.* The intensive drive for manpower to some extent interfered with the program already undertaken by WVHA to exterminate certain classes of individuals in the camps. This is shown by a letter from WVHA, Department D Concentration Camps, 28 March 1942, addressed to a number of concentra-

tion camp commandants and signed Leibenhenschel, SS Obersturmbannfuehrer:

"It became known through a report of a Camp Commandant that 42 prisoners out of 51 which were mustered out for the special treatment 14 f 13 again became capable of work after a period of time and therefore do not have to be directed to the special treatment. From this it appears that the selection of the prisoners is not being handled according to given directives. Only those prisoners are allowed to be directed to the examination commission who fulfill the given stipulations and who above all are no longer capable of work.

"In order to be able to fulfill the designated missions of the concentration camps, the working capabilities of every prisoner must be retained for the camp. The camp commandants of the concentration camps are requested to especially make this their aim." (1151-P-PS)

Another letter from WVHA, Department D Concentration Camps, 27 April 1943, addressed to a number of concentration camp commanders, signed by Gluecks, SS Brigade Fuehrer and Major General of the Waffen SS, deals with the same point:

"The Reich Fuehrer-SS and Chief of German Police has decided, after consultation, that in the future only mentally sick (*geisteskrank*) prisoners may be selected for action 14 F 13 by the medical commissions appointed for this purpose.

"All other prisoners incapable of working (tubercular cases, bedridden cripples, etc.) are to be basically excepted from this action. Bedridden prisoners are to be drafted for suitable work which they can perform in bed.

"The order of the Reich Fuehrer SS is to be obeyed strictly in the future.

"Requests for fuel for this purpose, therefore, do not take place." (1933-PS)

The SS, however, was to some degree enabled to achieve both goals—that of increased production and of elimination of undesirable individuals, as shown by the agreement between Minister of Justice Thierack and Himmler on 18 September 1942 (654-PS). That agreement provided for the delivery of antisocial elements after the execution of their sentences to the Reichsfuehrer SS "to be worked to death."

The conditions under which such persons worked in the camps were well calculated to lead to their deaths. Those conditions were regulated by the WVHA. An illustration of WVHA management is to be found in an order directed to commandants of

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concentration camps, 11 August 1942, and issued by SS Brigade Fuehrer and General of the Waffen SS Gluecks, Chief of Office Group D of WVHA (2189-PS):

"The Reichsfuehrer SS and Chief of the German Police has ordered, that punishment by beating will be executed in concentration camps for women by *prisoners*—under the ordered supervision.

"In order to coordinate this order the main office chief of the main SS economic administration office, SS-Obergruppenfuehrer and General of the Waffen-SS Pohl, has ordered, effective immediately, that punishment by beating will also be executed by prisoners in concentration camps for men." (2189-PS)

Even after their deaths, the prisoners did not escape the management of WVHA. A directive to the commanders of concentration camps, 12 September 1942, signed by the Chief of the Central Office of Office Group D of WVHA, SS Obersturmbannfuehrer Leibehenschel, provided:

"According to a communication of the Chief of the Security Police and the SD and conforming to a report of the Chief of Security Police and SD in Prague, urns of deceased Czechs and Jews were sent for burial to the home-cemeteries within the Protectorate.

"Based on different events (Demonstrations, erecting of posters inimical to the Reich on urns of deceased inmates in halls of cemeteries in the home-communities, pilgrimages to the graves of deceased inmates, etc.) within the Protectorate, the delivery of urns with the ash remnants of deceased Nationals of the Protectorate and of Jews is henceforth prohibited. The urns shall be preserved within the Concentration Camps. In case of doubt about the preservation of the urns oral instructions shall be available at this agency." (2199-PS)

(e) *SS use of concentration camp labor for pecuniary profit.*

The SS regarded the inmates of concentration camps as its own personal property to be used for its own economic advantage. The suggestion in Himmler's letter to Goering, will be recalled, that the SS be given a larger responsibility in the armament program conducted in the camps (1584-III-PS). As early as 1942 Speer recognized that the SS was motivated by the desire for further profits when he suggested to Hitler in a conference on 20, 21, and 22 September that the SS receive a share of the war equipment produced by concentration camp labor in ratio to the working hours of the prisoners (R-124). The Fuehrer agreed that a 3 to 5 percent share would satisfy SS commanders (R-124).

Himmler himself frankly admitted his intention to derive profits for SS purposes from the camps in his speech to the officers of the SS Leibstandarte "Adolf Hitler" (1918-PS):

"* * * The apartment-building program which is the prerequisite for a healthy and social basis of the entire SS as well as of the entire Fuehrercorps can be carried out only when I get the money for it from somewhere; nobody is going to give me the money, it must be earned, and it will be earned by forcing the scum of mankind, the prisoners, the professional criminals to do positive work. The man, guarding these prisoners, serves just as hard as the one on close-order drill. The one who does this and stands near these utterly negative people will learn within 3 to 4 months * * * and we shall see: In peacetime I shall form guard-battalions and put them on duty for 3 months only—to fight the inferior being (*Untermenschentum*), and this will not be a boring guard duty, but if the officers handle it right, it will be the best indoctrination on inferior beings and the inferior races. This activity is necessary, as I said; 1. to eliminate those negative people from the German people; 2. to exploit them once more for the great folk community by having them break stones and bake bricks so that the Fuehrer can again erect his grand buildings; and 3. to in turn invest the money, earned soberly this way, in houses, in ground, in settlements so that our men can have houses in which to raise large families and lots of children. This in turn is necessary because we stand or die with this leading blood of Germany and if the good blood is not reproduced we will not be able to rule the world." (1918-PS)

(4) *Functions and activities with respect to human experiments.* One aspect of SS control over concentration camps remains to be mentioned—its direction of the program of biological experiments on human beings which was carried on in the camps. An American military tribunal has passed judgment on some of the SS members who participated in these experiments at Dachau. The purpose of this discussion is to show only that those experiments were the result of SS direction and that the SS played a vital part in their successful execution.

The program seems to have originated in a request by Dr. Sigmund Rascher to Himmler for permission to utilize persons in concentration camps as material for experiments with human beings, in connection with research he was conducting on behalf of the Luftwaffe. A letter dated 15 May 1941, addressed to the

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Reichsfuehrer SS and signed by S. Rascher reads in part as follows:

"For the time being I have been assigned to the *Luftgaukommando* VLL, Munich for a medical course. During this course, where researches on high-altitude flights play a prominent part (determined by the somewhat higher ceiling of the English fighter planes) considerable regret was expressed at the fact that no tests with human material had yet been possible for us, as such experiments are very dangerous and nobody volunteers for them. I put, therefore, the serious question: can you make available two or three professional criminals for these experiments? The experiments are made at *Bodenstaendige Bruefstells fuer Hoehenforschung der Luftwaffe*, Munich. The experiments, by which the subjects can, of course, die, would take place with my cooperation. They are essential for researches on high-altitude flight and cannot be carried out, as has been tried, with monkeys, who offer entirely different test-conditions. I have had a very confidential talk with a representative of the air forces surgeon who makes these experiments. He is also of the opinion that the problem in question could only be solved by experiments on human persons. (Feeble-minded could also be used as that material.)" (1602-PS)

Dr. Rascher promptly received assurance that he would be allowed to utilize concentration camp inmates for his experiments.

A letter dated 22 May 1941, addressed to Dr. Rascher and bearing the signature of SS Sturmbannfuehrer Karl Brandt, reads in part:

"Shortly before flying to Oslo, the Reichsfuehrer SS gave me your letter of 15 May 1941, for partial reply.

"I can inform you that prisoners will of course be gladly made available for the high-flight researches. I have informed the Chief of the Security Police of this agreement of the Reichsfuehrer SS, and requested that the competent official be instructed to get in touch with you." (1582-PS)

The altitude experiments were conducted by Rascher. In May 1942 General Field Marshal Milch on behalf of the Luftwaffe expressed his thanks to the SS for the assistance it furnished in connection with the experiments. This letter, dated 20 May 1942, addressed to SS Obergruppenfuehrer Wolff reads in part:

"In reference to your telegram of 12 May our sanitary inspector reports to me that the altitude experiments carried out by the SS and Air Force at Dachau have been finished. Any continuation of these experiments seems essentially un-

reasonable. However the carrying out of experiments of some other kind, in regard to perils at high seas, would be important. These have been prepared in immediate agreement with the proper offices; Major (M.C.) Weltz will be charged with the execution and Capt. (M.C.) Rascher will be made available until further orders in addition to his duties within the Medical Corps of the Air Corps. A change of these measures does not appear necessary, and an enlargement of the task is not considered pressing at this time.

"The low-pressure chamber would not be needed for these low-temperature experiments. It is urgently needed at another place and therefore can no longer remain in Dachau.

"I convey the special thanks from the supreme commander of the Air Corps to the SS for their extensive cooperation.

"I remain with best wishes for you in good comradeship and with

"Heil Hitler!

"Always yours

"s/s E. Milch" (343-PS)

Having finished his high-altitude experiments, Dr. Rascher proceeded to experiment with methods of rewarming persons who had been subjected to extreme cold. On 10 September 1942 he rendered an intermediate report on intense chilling experiments which had been started in Dachau on 15 August (1618-PS). That report states:

"The experimental subjects (VP) were placed in the water, dressed in complete flying uniform, winter or summer combination, and with an aviator's helmet. A life jacket made of rubber or kapok was to prevent submerging. The experiments were carried out at water temperatures varying from 2.5° to 12°."

* * * * *

"Electrical measurements gave low temperature readings of 26.4° in the stomach and 26.5° in the rectum. Fatalities occurred only when the brain stem and the back of the head were also chilled. Autopsies of such fatal cases always revealed large amounts of free blood, up to 1½ liter, in the cranial cavity. The heart invariably showed extreme dilation of the right chamber. As soon as the temperature in these experiments reached 28°, the experimental subjects (VP) died invariably, despite all attempts at resuscitation."

* * * * *

"During attempts to save severely chilled persons (*Unterkuehlte*), it was shown that rapid rewarming was in all cases

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preferable to slow rewarming, because after removal from the cold water, the body temperature continued to sink rapidly. I think that for this reason we can dispense with the attempt to save intensely chilled subjects by means of animal heat.

"Rewarming by animal warmth—animal bodies or women's bodies—would be too slow." (1618-PS)

Although Rascher was of the preliminary opinion that rewarming by women's bodies would be too slow, means for conducting such experiments were nevertheless placed at his disposal. A letter from the Reichsfuehrer SS, signed Himmler, 16 November 1942, and addressed to Lt. General Pohl, the head of WVHA, read as follows:

"The following struck me during my visit to Dachau on the 13 Nov 1942 regarding the experiments conducted there for the saving of people whose lives are endangered through exposure (*Unterkuehlung*) in ice, snow, or water and who are to be saved by the employment of every method or means:

"I had ordered that suitable women are to be set aside from the Concentration Camp for these experiments for the warming of these who were exposed. Four girls were set aside who were in the Concentration Camp due to loose living, and being prostitutes, they formulate a danger of contagion.

* * *" (1583-PS)

To insure the continuance of Rascher's experiments, Himmler arranged for his transfer to the Waffen SS. A letter dated November 1942 from the Reichsfuehrer SS addressed to "Dear Comrade Milch," stated:

"You will recall that through General Wolff I particularly recommended to you for your consideration the work of a certain SS Fuehrer, Dr. Rascher, who is a physician of the air force on leave (*Arzt des Beurlaubtenstandes der Luftwaffe*).

"These researches which deal with the behavior of the human organism at great heights, as well as with manifestations caused by prolonged cooling of the human body in cold water, and similar problems which are of vital importance to the air force in particular, can be performed by us with particular efficiency because I personally assumed the responsibility for supplying asocial individuals and criminals who deserve only to die (*todeswuerdig*) from concentration camps for these experiments."

* * * * *

"I beg you to release Dr. Rascher, Stabsarzt in reserve, from

the air force and to transfer him to me to the Waffen-SS. I would then assume the sole responsibility for having these experiments made in this field, and would put the results, of which we in the SS need only a part for the frost injuries in the East, entirely at the disposal of the air force. However, in this connection I suggest that with the liaison between you and Wolff a "non-Christian" physician should be charged, who should be at the same time honorable as a scientist and not prone to intellectual theft and who could be informed of the results. This physician should also have good contacts with the administrative authorities, so that the results would really obtain a hearing.

"I believe that this solution—to transfer Dr. Rascher to the SS, so that he could carry out the experiments under my responsibility and under my orders—is the best way. The experiments should not be stopped; we owe that to our men. If Dr. Rascher remained with the air force, there would certainly be much annoyance; because then I would have to bring a series of unpleasant details to you, because of the arrogance and assumption which Professor Dr. Holzloehner has displayed in the post of Dachau—who is under my command—about me in utterances delivered to SS Colonel Sievers. In order to save both of us this trouble, I suggest again that Dr. Rascher should be transferred to the Waffen SS as quickly as possible." (1617-PS)

Rascher's experiments were by no means the only experiments in which the SS was interested. Without attempting even to outline the whole extent of the experimental program, one further illustration of this type of SS activity may be mentioned. That is a report prepared by the Chief Hygienist in the office of the Reich Surgeon of the SS and Police, SS Oberfuehrer Dr. Mrugowsky, 12 September 1944, relating to experiments with poisoned bullets.

"On 11 September 1944, in the presence of SS-Sturmbannfuehrer Dr. Ding, Dr. Widman and the undersigned, experiments with Akonotinnitrate bullets were carried out on five persons who had been sentenced to death. The caliber of the bullets used was 7.65 cm and they were filled with the poison in crystal form. Each subject of the experiments received one shot in the upper part of the left thigh, while in a horizontal position. In the case of 2 persons, the bullets passed clean through the upper part of the thigh. Even later no effect from the poison could be seen. These two subjects were therefore rejected * * *"

* * * * *

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"The symptoms shown by the three condemned persons were surprisingly the same. At first, nothing special was noticeable. After 20 to 25 minutes, a disturbance of the motor nerves and a light flow of saliva began, but both stopped again. After 40 to 44 minutes a strong flow of saliva appeared. The poisoned persons swallowed frequently, later the flow of saliva is so strong that it can no longer be controlled by swallowing. Foamy saliva flows from the mouth. Then, a sensation of choking, and vomiting start." (L-103)

The next three paragraphs describe in coldly scientific fashion the reactions of the dying persons. That description then concludes:

"At the same time there was pronounced nausea. One of the poisoned persons tried in vain to vomit. In order to succeed he put 4 fingers of his hand, up to the main joint, right into his mouth. In spite of this, no vomiting occurred. His face became quite red.

"The faces of the other two subjects were already pale at an early stage. Other symptoms were the same. Later on the disturbance of the motor nerves increased so much that the persons threw themselves up and down rolled their eyes and made aimless movements with their hands and arms. At last, the disturbance subsided, the pupils were enlarged to the maximum, the condemned lay still. Massetercramp and loss of urine was observed in one of them. Death occurred 121, and 129 minutes after they were shot." (L-103)

The fact that SS doctors engaged in such experiments was no accident. It was consistent with an ideology and racial philosophy which, to use Himmler's own words, regarded human beings as lice and offal. But the most important factor was the fact that only the SS was in a position to supply necessary human material. And it did supply such material through WVHA. A letter from the Department Chief of Office Group D of WVHA, 12 May 1944, addressed to the commandants of all concentration camps dealt with the assignment of prisoners for the experimental purposes:

"There is cause to call attention to the fact that in every case permission for assignment has to be requested here *before* assignment of prisoners is made for experimental purposes.

"To be included in this request are number, kind of custody, and in case of aryan prisoners, exact personal data, file number in the Main Reich's Security Office and reason for detainment into the concentration camp.

"Herewith, I explicitly forbid assignment of prisoners for experimental purposes without permission." (1751-PS)

It was on the basis of its ability to supply such material that the Ministry of Finance was prepared to subsidize the SS experimental program. This matter was discussed in a series of letters between the Ministry of Finance, the Reichs Research Department, and the Reich Surgeon of the SS and police (002-PS). The first is from the office of the Executive Council of the Reichs Research Department, addressed to the Reichs Surgeon SS and Police, 19 February 1943, and signed by Mentzel, Chief of Bureau, SS Brigade Leader:

"The Reichs Minister of Finance told me that you requested 53 leading positions (BES. GR C3-C8) for your office, partly for a new research institute.

"After the Reichsmarshall of the Great German Reich had, as President of the Reichs Research Dept., entrusted himself with all German research, issued directives among other things, that in the execution of military important scientific tasks, the available institutions including equipment and personnel should be utilized to the utmost for reasons of necessary economization (of effort).

"The foundation of new institutes comes therefore only in question in as far as there are no outstanding institutes available for the furtherance of important war research tasks." (002-PS)

To this letter the Reich Surgeon of SS and Police replied on 26 February 1943:

"In acknowledgment of your correspondence of the 19th Feb. 1943, I am able to reply the following to it today:

"The appropriation for the 53 key positions for my office which you made the basis of your memorandum was a veritable peace plan.

"The special institutes of the SS which are to be partly staffed through this appropriation are to serve the purpose to establish and make accessible for the entire realm of scientific research, the particular possibilities of research only possessed by the SS."

* * * * *

"I will gladly be at your disposal at any time to discuss the particular research aims in connection with the SS, which I would like to bring up upon the direction of the Reichs Director SS." (002-PS)

An interview between the Reich Surgeon and Mentzel took

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place, and on 25 March 1943 Mentzel wrote the following letter to the Reich Minister of Finance:

"In regard to your correspondence of the 19th Dec (J 4761—174 I g III. Ang) to which I gave you a preliminary communication on the 19th Feb, I finally take the following position: "The Surgeon General-SS and Police, in a personal discussion, told me that the budget claim which he looks after is used primarily in the pure military sector of the Waffen SS. Since it is established on a smaller scale for the enlarging of scientific research possibilities, they pertain therefore exclusively to such affairs that are carried out with the material (Prisoners—'*Haflinge*') which is only accessible to the Waffen SS and are therefore not to be undertaken for any other experimental purposes.

"I cannot object therefore on the part of the Reichs Experimental Counsel against the budget claims of the Surgeon General, SS and Police." (002-PS)

(5) *Functions and Activities with respect to Jewish Persecution.* Through its activities with respect to concentration camps the SS performed part of its mission to safeguard the security of the Nazi regime. But another specialized aspect of that mission must not be forgotten. Himmler had defined that task as the prevention of a "*Jewish Bolshevik revolution of subhumans.*" In plain words this meant participation in the Nazi program of Jewish persecution and extermination. That program involved every branch and component of the SS.

The racial philosophy of the SS made that organization a natural agency for the execution of all types of antisemitic measures. The SS position on the Jewish question was publicly stated in the SS newspaper "*Das Schwarze Korps*," in the issue of 8 August 1940, by its editor, Gunter d'Alquen (2668-PS). "*Das Schwarze Korps*" was the official propaganda agency of the SS which every SS man was required to read and to induce others to read. This was the SS position on the Jews:

"Just as the Jewish question will be solved for Germany only when the last Jew has been deported, so the rest of Europe should realize that the German peace which awaits it must be a peace without Jews." (2668-PS)

The attempted "solution" of the Jewish question through pogroms and "spontaneous" demonstrations occurred following the murder of von Rath in November 1938. In these demonstrations all branches of the SS were called on to play a part. The teletype message from SS Gruppenfuehrer Heydrich, Chief of the Secur-

ity Police and SD, issued on 10 November 1938 concerning "Measures against Jews tonight," provided:

"* * * The direction of the measures of the Security Police concerning the demonstrations against Jews is vested with the organs of the State Police—inasmuch as the inspectors of the Security Police are not issuing their own orders. In order to carry out the measures of the Security Police, officials of the Criminal Police, as well as members of the SD, of the *Verfuegungstruppe* and the *Allgemeine SS* may be used." (3051-PS)

With the outbreak of the war and the march of Nazi armies over the Continent, the SS participated in "solving" the Jewish question in all the countries of Europe. The solution was nothing short of extermination. To a large degree these wholesale murders were disguised under the name of "antipartisan" or "antiguerrilla" actions, and as such included as victims not merely Jews but Soviets, Poles, and other Eastern peoples. One example of an action confined essentially to Jews was the mass annihilation of Jews in gas vans (501-PS). Those vans were operated by the Security Police and SD under the direction of RSHA. Another example is found in the report entitled "Solution of the Jewish Question in Galicia," prepared by SS Gruppenfuehrer and Lt. General of the Police Katzman and rendered to SS Obergruppenfuehrer and General of the Police Krueger (L-18). The "solution," which consisted in evacuation and extermination of all the Jews in Galicia and confiscation of their property, was carried out under the energetic direction of the SS and Police Leaders, with the assistance of SS police units, as the report proudly boasts. Three additional items in that report dealing specifically with the SS should be noted. The first is the text under a photograph in the original report:

"Great was the joy of the SS men when the Reichsfuehrer SS in person in 1942 visited some camps along the Rollbahn." (L-18)

The second is a balance sheet, showing the income from forced Jewish labor and expenditures therefrom. Item 3 on the balance sheet reads as follows:

"3. Amount paid over to the SS cashier:

a. Camps	6,876,251,00 Zl
b. W&R Factories	6,556,513,69 Zl

13,432,764,69 Zl

Further payments to the SS-cashier are effected every month." (L-18)

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The third is the last two paragraphs of the report :

"Despite the extraordinary burden heaped upon every single SS Police Officer during these actions, mood and spirit of the men were extraordinarily good and praiseworthy to the last day.

"Only thanks to the sense of duty of every single leader and man have we succeeded to get rid of this PLAGUE in so short a time." (L-18)

One final example of SS participation in Jewish extermination is the report by SS Brigadefuehrer and Major General of the Police, Stroop, of the destruction of the Jewish Ghetto in Warsaw during April and May 1943 (1061-PS). Two sections of that report dealing with the constitution of the participating forces should be noted. A table of the units used indicates the average number of officers and men from each unit employed per day. It will be observed that among the units involved were the staff of the SS and Police Leader, two battalions of the Waffen SS, two battalions of the 22d SS Police Regiment and members of the Security Police. The part played by the Waffen SS particularly came in for high praise from the writer of the report. Tribute is paid to the toughness of the men of the Waffen SS, Police, and *Wehrmacht*. In the next paragraph the writer says:

"Considering that the greater part of the men of the Waffen SS had been trained for only three or four weeks before being assigned to this action, high credit should be given for the pluck, courage and devotion to duty which they showed."
(1061-PS)

The selection methods and ideological education of Waffen SS men furnished such good grounding that a few weeks of practice was all that was required to turn them into excellent exterminators. Himmler's proud boast of the part that the SS played in the extermination of the Jews occurs in his Posen Speech:

"Most of *you* must know what it means when 100 corpses are lying side by side, or 500 or 1,000. To have stuck it out and at the same time—apart from the exceptions caused by human weakness—to have remained decent fellows, that is what has made us hard. This is a page of glory in our history which has never been written and is never to be written * * *."
(1919-PS)

(6) *Functions and activities with respect to preparing for and waging aggressive war.* From the very beginning the SS made prime contributions to the conspirators' aggressive aims. First, it served as one of the para-military organizations under which the

conspirators disguised their building up of an Army in violation of the Versailles Treaty. Second, through affiliated SS organizations in other countries and through some of the departments in its own Supreme Command, it fostered Fifth Column movements outside Germany and prepared the way for aggression. Third, through its militarized units, it participated in the aggressive actions which were eventually carried out.

(a) *The SS as a para-military organization.* The para-military character of the General SS is apparent from the military character of its structure, the military discipline required of its members, and the steps it took to enlist in its ranks young men of military age. In addition to this volunteer Army the SS created, as early as 1933, fully armed professional soldiers who complied with the requirement for compulsory military service by performing duties in the SS. These were the *SS Vorfuegungstruppe* and the Death Head Units.

(b) *The SS as a fifth column agency.* While building up the SS as a military force within Germany, the conspirators also utilized it in other countries to lay the groundwork for aggression. During the seizure of Austria, the *SS Standarte 89* was directly involved in the murder of Chancellor Dolfuss, and a memorial plaque was erected in Vienna as a tribute to the SS men who participated in that murder (*L-273; 2968-PS*). Subsequently, on the night of 11 March 1938, the SS with the SA marched into Vienna and occupied all government buildings and important posts in the city. (See the report of Gauleiter Rainer to Reich Commissioner Buerckel (*812-PS*); and the record of the telephone conversations between Goering and Dambrowski (*2949-PS*)).

The same pattern was repeated in Czechoslovakia. Henlein's Free Corps played in that country the part of fifth column which the SS had played in Austria and was rewarded, in September 1938, by being placed under the jurisdiction of the Reichsfuehrer SS (*388-PS, Items 37, 38*). Moreover, a Most Secret OKW order of 28 September 1938, reveals that the SS had its own armed units, four battalions of *Totenkopf Verbaende*, actually operating in Czechoslovakian territory before the Munich Pact was signed (*388-PS, Item 36*).

But SS preparations for aggression were not confined to military forces. One of the departments of the SS Supreme Command, the *Volkdeutsche Mittelstelle*, was a center for fifth column activity. At the secret meeting between Ribbentrop and Henlein in March 1938, at which the line to be followed by the Sudeten German Party was determined, the *Volkdeutsche Mittelstelle* was represented by Professor Haushofer and SS Oberguppenfuehrer

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Lorenz (2788-PS). And when the Foreign Office in August 1938 awarded further subsidies to Henlein's Sudeten Party, the memorandum of that recommendation (3059-PS) contained the significant footnote:

"Volkdeutsche Mittelstelle will be informed." (3059-PS)

(c) *SS participation in aggressive war.* When at last the time came to strike, the SS was ready. In the words of the National Socialist Yearbook for 1940 (2164-PS):

"When the march into the liberated provinces of the Sudetenland began on that memorable October 1, 1938, *Verfuegungstruppe* as well as the Death Head Units were along with those in the lead. * * *

"The 15th of March 1939 brought a similar utilization of the SS when it served to establish order in collapsing Czechoslovakia. This action ended with the founding of the protectorate Bohemia-Moravia.

"Only a week later, on the 29th of March 1939, Memel also returned to the Reich upon basis of an agreement with Lithuania. Again it was the SS, here above all the Eastern Prussian SS, which played a prominent part in the liberation of this province." (2164-PS)

In the final act which set off the war, the attack on Poland in September 1939, the SS acted as stage manager. In his affidavit (*Affidavit A*), Maj. Gen. Erwin Lahousen describes the simulated attack on the radio station Gleiwitz by Germans dressed in Polish uniforms, as one of the most mysterious actions which took place in the *Abwehr* office:

"This was an incident which had been deliberately engineered and directed by the SD and it was executed by prisoners from Concentration Camps dressed up in Polish uniforms, and using Polish weapons and equipment. Those prisoners were later murdered by the SD in order to eliminate any possibility of their giving testimony of the incident." (*Affidavit A*)

The war erupted and the *Waffen SS* again took its place in the van of the attacking forces.

(7) *Functions and activities with respect to commission of war crimes.* During the war great use was made of the peculiar qualities possessed by the SS—qualities not only of its combat force, but of its other components as well—in executing tasks embracing the commission of war crimes and crimes against humanity.

(a) "*Antipartisan*" operations. A directive issued by Keitel on 13 March 1941, making preparations 3 months in advance for the attack on Russia, provided that in the area of operations the

Reichsfuehrer SS was entrusted with special tasks for the preparation of the political administration—tasks which would result from the struggle about to commence between two opposing political systems. (447-PS)

One of the steps taken by the Reichsfuehrer SS to carry out those "special tasks" was the formation and use of so-called "anti-partisan" units. They were discussed by Himmler in his Posen speech:

"In the meantime I have also set up the Chief of the anti-partisan units. Our comrade SS Obergruppenfuehrer von dem Bach is Chief of the antipartisan units. I considered it necessary for the Reichsfuehrer SS to be in authoritative command in all these battles, for I am convinced that we are best in position to take action against this enemy struggle, which is decidedly a political one. Except where units which had been supplied and which we had formed for this purpose were taken from us to fill in gaps at the front, we have been very successful.

"It is notable that by setting up this department, we have gained for the SS in turn, a division, a corps, an army, and the next step—which is the High Command of an army or area of a group—if you wish to call it that." (1919-PS)

What the SS did with its division, corps, and army, out of which the antipartisan units were formed, is illustrated in the "Activity and Situation Report No. 6 of the Task Forces of the Security Police and SD in the U.S.S.R.," covering the period from 1 to 31 October 1941 (R-102). The report shows that so-called "anti-partisan" activity was actually nothing but a name for extermination of Jews and persons believed politically undesirable. The report is a carefully organized and detailed description of such extermination. Section I describes the stations of the various Task Forces involved, and section II their activities. The latter section is divided into parts, each dealing with a different geographical region—the Baltic area, White Ruthenia, and the Ukraine. Under each area the report of activities is classified under three headings: (a) Partisan activity and counteraction; (b) arrests and executions of communists and officials; and (c) Jews. The following units were involved (R-102):

"The present stations are:

"Task Force A: since 7 October 1941 Krasnowardeisk.

"Task Force B: continues in Smolensk.

"Task Force C: since 27 September 1941 in Kiev.

"Task Force D: since 27 September 1941 in Nikolajew.

"The Action and Special Commandos (*Einsatz und Sonder*

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Commandos) which are attached to the Task Force continue on the march with the advancing troops into the sectors which have been assigned to them." (R-102)

The section headed "Baltic area" and subsection labeled "Jews" read as follows (R-102):

"Spontaneous demonstrations against Jewry followed by pogroms on the part of the population against the remaining Jews have not been recorded on account of the lack of adequate indoctrination.

"However, the Estonian Protective Corps (*Selbtschutz*), formed at the time of the entry of the Wehrmacht, immediately started a comprehensive arrest action of all Jews. This action was under the direction of the task force of the Security Police and the SD."

* * * * *

"The male Jews over 16 were executed with the exception of doctors and the elders. At the present time this action is still in progress. After completion of this action there will remain only 500 Jewesses and children in the Eastern Territory." (R-102)

In the section headed "White Ruthenia," the subsection labeled "Partisan activity and counteraction," the following appear:

"In Wultschina 8 juveniles were arrested as partisans and shot. They were inmates of a children's home. They had collected weapons which they hid in the woods. Upon search the following were found: 3 heavy machine guns, 15 rifles, several thousand rounds of ammunition, several hand grenades, and several packages of poison gas Ebrit.

"b. Arrests and executions of communists, officials, and criminals.

"A further large part of the activity of the Security Police was devoted to the combatting of Communists and criminals. A special Commando in the period covered by this report executed 63 officials, NKVD agents and agitators." (R-102)

The preceding subsection ends with the following statement:

"The liquidations for the period covered by this report have reached a total of 37,180 persons." (R-102)

And under the section headed "Ukraine," the subsection "Jews," this statement occurs:

"Shitomir

In Shitomir 3,145 Jews had to be shot, because from experience they have to be regarded as bearers of Bolshevik propaganda and saboteurs." (R-102)

The foregoing report deals with the activities of four Task Forces—A, B, C, and D. The more detailed report of Task Force A up to 15 October 1941 shows great variety of SS components in such a task force:

"This description of the over-all situation showed and shows that the members of the Stapo [The Secret State Police], Kripo and SD [Security Service] who are attached to the Action-Group, are active mainly in Lithouania, Latvia, Esthonia, White-Ruthenia and to a smaller part in front of Leningrad. It shows further that the forces of the uniformed police and the Armed SS are active mainly in front of Leningrad, in order to take measures against the returning population and under their own officers. This is so much easier because the Action detachments in Lithouania, Latvia and Esthonia have at their disposal native police units, as described in encl. 1, and because so far 150 Latvian reinforcements have been sent to White-Ruthenia.

"The distribution of the leaders of Security Police and SD during the individual phases can be gathered from encl. 2, the advance and the activities of the Action-Group and the Action-detachments from encl. 3. It should be mentioned that the leaders of the Armed-SS and of the uniformed police who are reserves have declared their wish to stay on with the Security Police and the SD." (L-180)

Inclosure 1a to this report shows the constitution of the Force:

"Total Strength of Action Group A:

		<i>Percent</i>
"Total:	990	
Waffen-SS	340	34.4
Motor Bicycle-Riders	172	17.4
Administration	18	1.8
Security Service [SD]	35	3.5
Criminal Police [Kripo]	41	4.1
State Police [Gestapo]	89	9.0
Auxiliary Police	87	8.8
Order Police	133	13.4
Female Employees	13	1.3
Interpreters	51	5.1
Teleprinter-Operators	3	0.3
Wireless-Operators	8	0.8" (L-180)

Another report on the antipartisan activity, from the General Commissar for White Ruthenia to the Reich Minister for Occupied Eastern Territories, 5 June 1943, deals with the results of the police operation "Cottbus":

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"* * * SS Brigadefuehrer, Major General of Police von Gottberg, reports that the operation 'Cottbus' had the following result during the period mentioned:

Enemy dead	4,500
Dead suspected of belonging to bands	5,000
German dead	59"

* * * * *

"The figures mentioned above indicate that again a heavy destruction of the population must be expected. If only 492 rifles are taken from 4,500 enemy dead, this discrepancy shows that among these enemy dead were numerous peasants from the country. The battalion Dirlewanger especially has a reputation for destroying many human lives. Among the 5,000 people suspected of belonging to bands, there were numerous women and children.

"By order of the Chief of Band-Combatting, SS Obergruppenfuehrer von dem Bach, units of the armed forces have also participated in the operation * * *" (R-135)

SS Obergruppenfuehrer vom dem Bach was referred to by Himmler as "our comrade" when he placed him in charge of anti-partisan activity.

(b) *Execution of civilians.* The activities so far dealt with were joint activities in which the Gestapo, Order Police, the SD, Waffen SS, and SS Police Regiments were all involved. But these units were, of course, also used individually to carry out tasks of such a nature—tasks for which any component of the SS was well trained. A letter from the Chief of the Command Office of the Waffen SS to the Reichsfuehrer SS, 14 October 1941, contains an intermediate report on civilian state of emergency:

"* * * I deliver the following report regarding the commitment of the Waffen SS in the Protectorate Bohemia and Moravia during the civilian state of emergency:

"In the mutual changes, all Battalions of the Waffen SS in the Protectorate Bohemia and Moravia will be brought forth for shootings, and relatively for the supervision at hangings.

"Up until now there occurred:

"in Prague:	99 shootings
	21 hangings
"in Bruenn:	54 shootings
	17 hangings

"Total: 191 executions (including 16 Jews)

"A complete report regarding other measures and on the conduct of the officers, noncoms and men will be made following the termination of the civilian state of emergency." (1972-PS)

(c) *Murder of prisoners of war.* It is not surprising that units of the Waffen SS, a branch which had thus been employed for extermination actions and the execution of civilians, also violated the laws of warfare when carrying on ordinary combat activities. Proof of these violations is contained in a supplementary report of the Supreme Headquarters Allied Expeditionary Force Court of Inquiry concerning the shooting of allied prisoners of war by the 12th SS Panzer Division (Hitler Jugend) in Normandy, France, on 7-21 June 1944 (2997-PS). The Court of Inquiry concluded that there occurred in Normandy, between 7 and 17 June 1944, seven cases of violations of the law of war, involving the shooting of 64 unarmed allied prisoners of war in uniform, many of whom had been previously wounded, and none of whom had resisted or endeavored to escape; that the perpetrators were members of the 12th SS Panzer Division, the so-called Hitler Jugend Division; that enlisted men of the 15th Company of the 25th Panzer Grenadier Regiment of that Division were given secret orders to the effect that SS troops should take no prisoners and that prisoners were to be executed after having been interrogated; that similar orders were given to men of the 3d Battalion of the 26th SS Panzer Grenadier Regiment and to the 12th SS Engineering and Reconnaissance Battalions; and that the conclusion was irresistible that it was understood throughout the Division that a policy of denying quarter or executing prisoners after interrogation was openly approved. (2997-PS)

Other combatants met a similar fate at the hands of other components of the SS. (The execution of allied fliers, of commandos, and paratroopers, and of escaped prisoners of war who were turned over to the SD to be destroyed, is discussed in Section 6 on the Gestapo.)

Combatants who were taken prisoner of war encountered the SS in another form. (Section 6 on the Gestapo discusses the selection, by SS groups stationed in prisoner of war camps, of prisoners for what the Nazis euphemistically called "special treatment.") Finally, the entire control of prisoners of war was turned over to the Reichsfuehrer SS, pursuant to the circular letter from the Nazi Party Chancellery placing Himmler in charge of all prisoner of war camps. (058-PS)

(8) *Functions and activities with respect to Germanization of conquered lands.* The final phase of the conspiracy in which the SS played a leading role comprehended the colonization of conquered territories, the destruction of their national existence, and the permanent extension of the German frontier. These objectives

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were carried out through the forcible evacuation and resettlement of inhabitants of conquered regions, confiscation of their properties, "denationalization" and "reeducation" of persons of German blood, and the colonization of conquered territories by Germans. (See Chapter X on the Slave Labor Program and Chapter XIII on Germanization and Spoliation.)

The SS was the logical agency to formulate and carry out the execution of this program. The numerous statements made by Himmler as to SS training for its role as the aristocracy in the "new Europe" leave that beyond doubt. Himmler immediately proceeded to put these theories into practice upon his appointment on 7 October 1939 as Reich Commissioner for the Consolidation of German Folkdom. (686-PS)

To make and carry out plans for the program of evacuation and resettlement, a new department of the SS Supreme Command, the Staff Headquarters of the Reich Commissioner for the Consolidation of German Folkdom, was created. The functions of this office are thus described in the Organizations Book of the NSDAP for 1943:

"The Main Office of the Staff of the Reichs Commissar for the Consolidation of German Nationality is entrusted with the whole settlement and constructive planning and with its execution in the Reich and all those territories within the authority of the Reich, including all administrative and economic questions in connection with settlement, especially the deployment of manpower for this purpose." (2640-PS)

The colonization program had two principal objectives: the first phase was the destruction of the conquered peoples, by exterminating them, deporting them, and confiscating their property; the second phase was the bringing back of racial Germans to settle in the newly acquired land and to live from the wealth of those who had been eliminated.

(a) *Elimination and deportation of conquered people.* The extermination actions contributed in part to clearing the conquered territories of persons deemed dangerous to the Nazi plan. But not every undesirable could be liquidated. Moreover, manpower was needed for the Nazi war effort. Mass deportation thus accomplished the twin purpose of providing labor and of freeing the land for German colonists. The participation of SS agencies in deporting persons from the conquered territories to meet the increased demands of the Nazi war machine for manpower has already been shown. The evacuation and resettlement program, however, required the use of additional SS agencies to deport persons occupying the desired living space. For this purpose im-

migration centers were set up under the direction of RSHA, as is stated in the National Socialist Yearbook for 1941:

"For some time now the Reichsfuehrer-SS has had at his disposal an office under the management of SS-Obergruppenfuehrer Lorenz, the *Volksdeutsche Mittelstelle*. This office has the task of dealing with National German questions and the raising of required support.

"In addition to the VM the Immigration Center Offices with the Chief of the Security Police and the Security Service of the SS (under the management of SS-Obersturmbannfuehrer Dr. Sandberger) and the Settlement Staff of the Reich-Commissioner were created, which, in cooperation with the NSV [National Socialist Welfare Organization] and the Reich Railroad Agency, took charge of the Migration of National Germans." (2163-PS)

Further evidence is contained in the affidavit of Otto Hoffman, SS Obergruppenfuehrer and General of the Waffen SS and Police, who was chief in the Main Office for Race and Settlement in the SS Supreme Command until 1943. This affidavit, taken at Freising, Germany, on 4 August 1945 reads as follows:

"* * * 2. The executive power, in other words the carrying out of all so-called resettlement actions, that is to say, sending away of Polish and Jewish settlers and those of non-German blood from a territory in Poland destined for Germanization, was in the hands of the Chief of the RSHA (Heydrich and later Kaltenbrunner, since the end of 1942). The Chief of the RSHA also supervised and issued orders to the so-called immigration center (EWZ) which classified the Germans, living abroad who returned to Germany and directed them to the individual farms, already freed. The latter was done in agreement with the chief office of the Reichsfuehrer SS." (L-49)

Other SS agencies also were included. The report, dated 22 May 1940, relating to confiscation of Polish agricultural enterprises and deportation of the Polish owners to Germany, shows that the following SS agencies were involved in this action:

"Means of transportation to the railroad can be provided (1)—by the enterprise of the East German Corporation of Agricultural Development, (2)—by the SS NCO School in Lublinitz and the concentration camp of Auschwitz.

"These two latter places will also detail the necessary SS men for the day of the confiscation, etc." (1352-PS)

The extent to which departments of the Supreme Command of the SS were concerned with the evacuation program is shown

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by the minutes of a meeting on 4 August 1942 dealing with the treatment of deported Alsatians (R-114). The minutes list those present at the meeting as follows:

"Present:

"SS.-'Hauptsturmfuehrer' Dr. Stier	}	Staff Headquarters
SS.-'Hauptsturmfuehrer' Petri		
'RR' Hoffmann		
Dr. Scherler		
SS.-'Untersturmfuehrer' Foerster		
SS.-'Obersturmfuehrer' Dr. Hinrichs, Chief of Estate Office and Settlement Staff, Strasbourg [<i>Leiter des Boden- amtes und Ansiedlungsstabes Strasburg</i>]		
SS.-'Sturmabfuhrer' Bruckner, Intermediate Office for Racial Germans (<i>Volksdeutsche Mittelstelle</i>)		
SS.-'Hauptsturmfuehrer' Hummisch, Main Office Reich Se- curity [<i>Reichssicherheitshauptamt</i>]		
SS.-'Untersturmfuehrer' Dr. Sieder, Main office for race and settling [<i>Rus-Hauptamt</i>]		
Dr. Labes, D. U. T." (R-114)		

The minutes read in part as follows:

"1. *State of deportation in Alsace.*

"The starting point of the conference was a report on the deportation effected so far and further plans for resettlement in Alsace."

* * * * *

"B.

"The representatives of the SS Main Offices present were united in this opinion:

"II. 1. The Gauleiter's plans for evacuation can be approved in principle, since they confine themselves in fact to a class of persons, whose presence in the Reich would be insupportable for racial and political reasons." (R-114)

(b) *Resettlement of conquered territories by Germans.* The SS not only destroyed or deported conquered peoples and confiscated their property, but it also repopulated the conquered regions with so-called racial Germans. Thousands upon thousands of these Germans were transported from all parts of Europe to join the greater Reich. Not all Germans were deemed reliable colonists, however. Those who were not, were returned to Germany proper for "re-Germanization" and "reeducation" along Nazi lines. A typical instance of the fate of such Germans is found in the decree of the Reich Commissioner for the Consolidation of German Folkdom of 16 February 1942, dealing with the treatment to be accorded so-called "Polonized" Germans (R-112). By the terms

of that decree two other SS functionaries were charged with the responsibility for the re-Germanization program, the Higher SS and Police Leaders and the Gestapo. Paragraph III of the decree provides:

"III. The Higher SS and Police Fuehrer will further the re-Germanization actions with every means at their disposal and continuously take stock of their success. In case they find that obstacles are put in the way of a re-Germanization action, they will report on their findings to the competent State Police (Superior) Office for appropriate measures. Where it proves to be impossible to attain re-Germanization even by forcible measures taken by the State Police, they will apply for a revocation of the naturalization through the Reich Fuehrer SS, Reich Commissioner for the Consolidation of German Nationhood and give notice to the competent State Police (Superior) Office." (R-112)

Paragraph IV of the decree provides:

"IV. In the course of fulfilling their duties imposed on them by this Decree the competent State Police (Superior) Offices will take in particular the following measures:"

* * * * *

"4. They will assist the Higher SS and Police Fuehrer in their task of re-Germanization, particularly in removing obstacles by forcible measures whenever there is opposition to re-Germanization. Before ordering forcible measures by the State Police they will give the Counsellor of the person in question an opportunity to state his opinion.

"5. They will take into protective custody all persons, with regard to whom the Higher SS and Police Fuehrer has applied for revocation of their naturalization and will order their imprisonment in a Concentration Camp." (R-112)

In the final stage of the process, the resettlement of the conquered lands by racially and politically desirable Germans, still other SS agencies participated. The National Socialist Yearbook for 1941 states that:

"Numerous SS-leaders and SS-men helped with untiring effort in bringing about this systematic migration of peoples, which has no parallel in history.

"There were many authoritative and administrative difficulties which, however, were immediately overcome due to the unbureaucratic working procedure. This was especially guaranteed above all by the employment of SS leaders.

"The procedure called '*Durchschleusung*' (literally, 'passing through the lock') takes 3 to 4 hours as a rule. The resettler

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is passed through 8 to 9 offices, following each other in organic order: registration office, card-index office, certificate and photo-office, property office, and biological hereditary and sanitary test office. The latter was entrusted to doctors and medical personnel of the SS and of the Armed Forces. The SS-Corps Areas [*Oberabschnitte*] Alpenland, North-West, Baltic Sea, Fulda-Werra, South and South East, the SS-Main Office [*SS-Hauptamt*], the NPEA (National Political Education Institution) Vienna, and the SS-Cavalry-School in Hamburg provided most of the SS-Officer and SS-Non-Coms who worked at this job of resettlement."

* * * * *

"The settlement, establishment and care of the newly won peasantry in the liberated Eastern territory will be one of the most cherished tasks of the SS in the whole future."
(2163-PS)

E. *Defendant's Membership in the SS.*

In the course of its development from a group of strong armed bodyguards, some 200 in number, to a complex organization participating in every field of Nazi endeavor, the SS found room for its members in high places. Persons in high places moreover, found for themselves a position in the SS. Of the defendants charged in the indictment at least 7 were high ranking officers in the SS. They are the defendants Ribbentrop, Hess, Kaltenbrunner, Bormann, Sauckel, Neurath, and Seyss-Inquart. The vital part that Kaltenbrunner played in the SS, the SD, and the entire Security Police system is discussed in Section 6 on the Gestapo.

With respect to the other six defendants, the facts as to their membership in the SS are to be found in two official publications. The first is the membership list of the SS as of 1 December 1936. On line 2, page 8, of that publication, there appears the name "Hess, Rudolf," followed by the notation, "By authority of the Fuehrer the right to wear the uniform of an SS Obergruppenfuehrer." In the 1937 edition of the same membership list, line 50, page 10, there appears the name "Bormann, Martin," and in line with his name on the opposite page, under the heading "Gruppenfuehrer," appears the following date "20.4.37." In the same edition, line 56, page 12, is the name "von Neurath, Konstantin" and on the opposite page, under the column headed "Gruppenfuehrer," the date "18.9.37."

The second publication is "*Der Grossdeutsche Reichstag*" for the Fourth Voting Period, edited by E. Kienast, Ministerial Director

of the German Reichstag, an official handbook containing biographical data as to members of the Reichstag. On page 349 the following appears: "von Ribbentrop, Joachim, *Reichminister des Auswaertigen*, SS Obergruppenfuehrer"; and on page 360 the following: "Sauckel, Fritz, *Gauleiter* and *Reichsstalthalter* in Thuringen, SS Obergruppenfuehrer"; and on page 389 the following: "Seyss-Inquart, Arthur, Dr. Jur., Reichsminister, SS Obergruppenfuehrer."

F. Conclusion.

It is the prosecution's contention that the SS, as defined in Appendix B of the Indictment, was unlawful. Its participation in every phase of the conspiracy alleged in Count One is clear. As an organization founded on the principle that persons of "German blood" were a "master race," it exemplified a basic Nazi doctrine. It served as one of the means through which the conspirators acquired control of the German government. The operations of the SD, and of the SS *Totenkopf Verbaende* in concentration camps, were means used by the conspirators to secure their regime and terrorize their opponents as alleged in Count One. All components of the SS were involved from the very beginning in the Nazi program of Jewish extermination. Through the *Allgemeine SS* as a para-military organization, the *SS Verfuegungstruppe* and *SS Totenkopf Verbaende* as professional combat forces, and the *Volksdeutsche Mittelstelle* as a fifth column agency, it participated in preparations for aggressive war, and, through its militarized units, in the seizure of Austria, the invasion of Czechoslovakia, the attack on Poland, and the waging of aggressive war in the West and in the East, as set forth in Counts One and Two of the Indictment. In the course of such war, all components of the SS had a part in the war crimes and crimes against humanity, set forth in Counts Three and Four,—the murder and ill treatment of civilian populations in occupied territory, the murder and ill treatment of prisoners of war, and the Germanization of occupied territories.

The evidence has shown that the SS was a single enterprise—a unified organization. Some of its functions were, of course, performed by one branch or department or office, some by another. No single branch or department participated in every phase of its activity. But every branch and department and office was necessary to the functioning of the whole. The situation is much the same as in the case of the individual defendants at the bar. Not all participated in every act of the conspiracy; but all performed a contributing part in the whole criminal scheme.

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The evidence has shown, not only that the SS was an organization of volunteers but that applicants had to meet the strictest standards of selection. It was not easy to become an SS member. That was true of all branches of the SS. During the course of the war, as the demands for manpower increased and the losses of the *Waffen SS* grew heavier and heavier, there were occasions when men drafted for compulsory military service were assigned to units of the *Waffen SS* rather than to the *Wehrmacht*. Those instances were relatively few. Evidence of recruiting standards of the *Waffen SS* in 1943 has shown that membership in that branch was as essentially voluntary and highly selective as in other branches. The fact that some individuals may have been arbitrarily assigned to some *Waffen SS* unit has no bearing on the issue before the tribunal, which is this, whether the SS was or was not an unlawful organization. Doubtless some of the members of the SS, or of other of the organizations alleged to be unlawful, might desire to show that their participation in the organization was small or innocuous, that compelling reasons drove them to apply for membership, that they were not fully conscious of its aims, or that they were mentally irresponsible when they became members. Such facts might or might not be relevant if they were on trial. But in any event this is not the forum to try out such matters.

The question before this Tribunal is simply this, whether the SS was or was not an unlawful organization. The evidence has fully shown what the aims and activities of the SS were. Some of these aims were stated in publications. The activities were so widespread and so notorious, covering so many fields of unlawful endeavor, that the illegality of the organization could not have been concealed. It was a notorious fact, and Himmler himself admitted that in 1936, when he said:

"I know that there are people in Germany now who become sick when they see these black coats. We know the reason and we don't expect to be loved by too many."

It was at all times the exclusive function and purpose of the SS to carry out the common objectives of the conspirators. Its activities in carrying out those functions involved the commission of the crimes defined in Article 6 of the Charter. By reason of its aims and the means used for the accomplishment thereof, the SS should be declared a criminal organization in accordance with Article 9 of the Charter.

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6. THE GEHEIME STAATSPOLIZEI (GESTAPO) AND SICHERHEITSDIENST (SD)

This section on the *Geheime Staatspolizei* (GESTAPO) includes evidence on the criminality of the *Sicherheitsdienst* (SD) of the *Schutzstaffel* (SS). In the Indictment the SD is included by special references as a part of the SS, since it originated as a part of the SS and always retained its character as a party organization, as distinguished from the GESTAPO, which was a State

organization. As will be shown in this section, however, the GESTAPO and the SD were brought into close working relationship, the SD serving primarily as the information-gathering agency and the GESTAPO as the executive agency of the police system established by the Nazis for the purpose of combatting the political and ideological enemies of the Nazi regime. This close working relationship between the GESTAPO and the SD was accomplished by the appointment of Himmler, the Reichsfuehrer of the SS, to the position of Chief of the German Police. What is proved in this section with respect to the criminality of the SD applies directly to the case against the SS. The relationship between the SS and the GESTAPO is considered in section 5 on the SS.

A. Development of the Gestapo and the SD.

(1) *Development of the GESTAPO.* The *Geheime Staatspolizei*, or GESTAPO, was first established in Prussia on 26 April 1933 by Goering, with the mission of carrying out the duties of political police with or in place of the ordinary police authorities. The GESTAPO chief was given the rank of a higher police authority and was subordinated only to the Minister of the Interior, to whom was delegated the responsibility of determining its functional and territorial jurisdiction (2104-PS). Pursuant to this law, and on the same date, the Minister of the Interior issued a decree on the reorganization of the police which established a State Police Bureau in each government district of Prussia subordinate to the Secret State Police Bureau in Berlin. (2371-PS)

On 30 November 1933 Goering issued a decree for the Prussian State Ministry and for the Reichs Chancellor which acknowledged the valuable services which the GESTAPO was able to render to the State and which placed the GESTAPO under his direct supervision as Chief. The GESTAPO was thereby established as an independent branch of the Administration of the Interior, responsible directly to Goering as Prussian Prime Minister. This decree gave the GESTAPO jurisdiction over the political police matters of the general and interior administration and provided that the district, county, and local police authorities were subject to the directives of the GESTAPO (2105-PS). By a decree of 8 March 1934 the regional State Police offices were separated from their organizational connection with the district government and established as independent authorities of the GESTAPO. (2113-PS)

Parallel to the development of the GESTAPO in Prussia, the Reichsfuehrer SS, Heinrich Himmler, created in Bavaria the

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Bavarian Political Police and also directed the formation of political police forces in the other federal states outside of Prussia. The unification of the political police of the various states took place in the spring of 1934 when Hermann Goering appointed Himmler the Deputy Chief of the Prussian GESTAPO in place of the former Deputy Chief, Diels. Himmler thereby obtained unified control over the political police forces throughout the Reich. (1680-PS)

On 10 February 1936 the basic law for the GESTAPO was promulgated by Goering as Prussian Prime Minister. This law provided that the Secret State Police had the duty to investigate and to combat in the entire territory of the State all tendencies inimical to the State, and declared that orders in matters of the Secret State Police were not subject to the review of the administrative courts (2107-PS). On the same date, 10 February 1936, a decree for the execution of said law was issued by Goering as Prussian Prime Minister and by Frick as Minister of the Interior. This decree provided that the GESTAPO had authority to enact measures valid in the entire area of the State and measures affecting that area, that it was the centralized agency for collecting political intelligence in the field of political police, and that it administered the concentration camps. The GESTAPO was given authority to make police investigations in cases of criminal attacks upon Party as well as upon State. (2108-PS)

On 28 August 1936 a circular of the Reichsfuehrer SS and Chief of the German Police provided that as of 1 October 1936 the political police forces of the German provinces were to be called the "*Geheime Staatspolizei*" (Secret State Police). The regional offices were still to be described as State Police (2372-PS). On 20 September 1936 a circular of the Minister of the Interior commissioned the GESTAPO Bureau in Berlin with the supervision of the duties of the political police commanders in all the States of Germany. (L-297)

The law relating to financial measures in connection with the police of 19 March 1937 provided that officials of the GESTAPO were to be considered direct officials of the Reich and their salaries, in addition to the operational expenses of the whole State Police, were to be borne from 1 April 1937 on by the Reich. (2243-PS)

Through the above laws and decrees the GESTAPO was established as a uniform political police system operating throughout the Reich and serving Party, State, and the Nazi leadership.

(2) *Development of the SD.* In 1932 the Reichsfuehrer of the SS, Heinrich Himmler, created the *Sicherheitsdienst*, or SD, as an

intelligence service of the SS under the then SS-Standartenfuehrer Reinhard Heydrich. (1680-PS)

On 9 June 1934, the NSDAP issued an ordinance which merged all information facilities then existing within the Party organization into the SD, and the SD was established as the sole Party information service. (1680-PS)

In the course of its development, the SD came into increasingly closer cooperation with the GESTAPO and also with the *Reich Kriminalpolizei*, the Criminal Police, or KRIPO. The GESTAPO and the KRIPO considered together were called the *Sicherheitspolizei*, the Security Police, or SIPO. The SD was also called upon to furnish information to various State authorities. On 11 November 1938 a decree of the Reich Minister of the Interior declared that the SD was to be the intelligence organization for the State as well as for the Party, that it had the particular duty of supporting the Secret State Police, and that it thereby became active on a national mission. These duties necessitated a close cooperation between the SD and the authorities for the General and Interior Administration. (1680-PS; 1638-PS)

Through the above laws and decrees the SD was established as a uniform political information service operating throughout the Reich and serving Party, State, and the Nazi leadership.

(3) *Consolidation of the GESTAPO and the SD.* The first step in the consolidation of the political police system of the State (the GESTAPO) and the information service of the Nazi Party (the SD) took place in the spring of 1934 when Goering appointed Himmler Deputy Chief of the GESTAPO. Heydrich was the head of the SD under Himmler, and when Himmler took over the actual direction of the GESTAPO, these two agencies were in effect united under one command. (1956-PS; 2460-PS)

On 17 June 1936, "for the uniformity of police duties in the Reich," the position of Chief of the German Police was established in the Reich Ministry of the Interior, to which was assigned the direction and protection of all police affairs within the jurisdiction of the Reich. By this law Himmler was appointed Chief of the German Police under Frick, the Reich Minister of the Interior, and was given the right to participate in the sessions of the Reich Cabinet as Chief of the German Police. (2073-PS)

On 26 June 1936 Himmler issued a decree providing for the appointment of a chief of the uniformed police and of a chief of the Security Police. This decree divided the German police system into two principal branches:

(a) *Ordnungspolizei* (ORPO or Regular Police).

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(b) *Sicherheitspolizei* (SIPO or Security Police).

The *Ordnungspolizei* was composed of the *Schutzpolizei* (Safety Police), the *Gendarmerie* (Rural Police), and the *Gemeindepolizei* (Local Police). The *Sicherheitspolizei* was composed of the *Reich Kriminalpolizei* (KRIPO) and the *Geheime Staatspolizei* (GESTAPO). Daluge was named head of the *Ordnungspolizei* and Heydrich was named head of the *Sicherheitspolizei*. Since Heydrich was also head of the SD, he took the new title of Chief of the Security Police and SD. (1551-PS)

On 27 September 1939 by order of Himmler, in his capacity as Reichsfuehrer SS and Chief of the German Police, the central offices of the GESTAPO and the SD, together with the Criminal Police, were centralized in the office of the Chief of the Security Police and SD under the name of the *Reichssicherheitshauptamt*, Reich Security Main Office, or RSHA. Under this order the personnel and administrative sections of each agency were coordinated in *Amt I* and *Amt II* of the RSHA; the operational sections of the SD became *Amt III* (except for foreign intelligence which was placed in *Amt VI*); the operational sections of the GESTAPO became *Amt IV* and the operational sections of the KRIPO became *Amt V*. Ohlendorf was named the Chief of *Amt III*, the SD within Germany; Mueller was named the Chief of *Amt IV*, the GESTAPO; and Nebe was named the Chief of *Amt V*, the KRIPO. (L-361)

On 27 September 1939 Heydrich, as Chief of the Security Police and SD, issued a directive pursuant to the foregoing order of Himmler, in which he ordered the designation and heading "*Reichssicherheitshauptamt*" to be used exclusively in internal relations of the Reich Ministry of the Interior, and the heading "The Chief of the Security Police and SD" in transactions with outside persons and offices. The directive provided that the GESTAPO would continue to use the designation and heading "*Geheime Staatspolizeiamt*" according to particular instructions. (L-361)

In 1944 most of the sections of the *Abwehr* (military intelligence) were incorporated into the various sections of the RSHA and into a new section connected with *Amt VI*, called the *Militaerisches Amt*. (2644-PS)

Heydrich was Chief of the Security Police and SD (RSHA) until his death on 4 June 1942, after which Himmler directed the organization until the appointment of the defendant Ernst Kaltenbrunner as Chief of the Security Police and SD. Kaltenbrunner took office on 30 January 1943 and remained Chief of the Security Police and SD (RSHA) until the end of the war. (2644-PS)

B. *Organization of the Gestapo and the SD.*

(1) *Organization of the Gestapo (Amt IV of the RSHA).* The headquarters organization of the GESTAPO (*Amt IV* of the RSHA) was set up on a functional basis. In 1943 it contained five sub-sections.

Section A dealt with opponents, sabotage, and protective service and was subdivided as follows:

- A 1 Communism, Marxism and associated organizations, war crimes, illegal and enemy propaganda.
- A 2 Defense against sabotage, combatting of sabotage, political falsification.
- A 3 Reaction, opposition, legitimism, liberalism, matters of malicious opposition.
- A 4 Protective service, reports of attempted assassinations, guarding, special jobs, pursuit troops.

Section B dealt with political churches, sects and Jews, and was subdivided as follows:

- B 1 Political Catholicism.
- B 2 Political Protestantism Sects.
- B 3 Other churches, Freemasonry.
- B 4 Jewish affairs, matters of evacuation, means of suppressing enemies of the people and State, dispossession of rights of German citizenship. (Eichmann was head of this office).

Section C dealt with card files, protective custody, and matters of press and Party, and was subdivided as follows:

- C 1 Evaluation, main card index, administration of individual files, information office, supervision of foreigners.
- C 2 Matters of protective custody.
- C 3 Matters of the press and literature.
- C 4 Matters of the Party and its formations, special cases.

Section D dealt with regions under greater German influence, and was subdivided as follows:

- D (*aus. arb.*) Foreign Workers.
- D 1 Matters of the Protectorate, Czechs in the Reich, Slovakia, Serbia, Croatia, and the remaining regions of the former Yugoslavia, Greece.
- D 2 Matters of the General Government, Poles in the Reich.
- D 3 Confidential office, foreigners hostile to the State, emigrants.

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D 4 Occupied territories, France, Belgium, Holland, Norway, Denmark.

D 5 Occupied Eastern territories.

Section E dealt with security and was subdivided as follows:

E 1 General security matters, supply of legal opinions in matters of high and State treason, and other security matters.

E 2 General economic matters, defense against economic espionage, protection of works and those engaged in guarding.

E 3 Security West.

E 4 Security North.

E 5 Security East.

E 6 Security South.

Section F dealt with passport matters and alien police and was subdivided as follows:

F 1 Frontier police.

F 2 Passport matters.

F 3 Identification and identity cards.

F 4 Alien police and basic questions concerning frontiers.

F 5 Central visa office. (L-219)

Subordinate offices of the GESTAPO were established throughout the Reich and designated as *Staats Polizeileitstellen* or *Staats Polizeistellen*, depending upon the size of the office. These offices reported directly to the RSHA in Berlin but were subject to the supervision of *Inspektors* of the Security Police in the various provinces. The inspectors were expected to foster cooperation between the Security Police and the central offices of the general and interior administration. (2245-PS)

In the occupied territories the regional offices of the GESTAPO were coordinated with the Criminal Police and the SD under *Kommandeurs* of the Security Police and SD, who were subject to *Befehlshabers* of the Security Police and SD who reported to the Chief of the Security Police and SD (RSHA) in Berlin. (1285-PS)

(2) *Organization of the SD (Amt III of the RSHA)*. The headquarters organization of the SD (including only *Amt III* of the RSHA and not *Amt VI*, the Foreign Intelligence Branch) was set up on a functional basis. In 1943 it contained four sections.

Section A dealt with questions of legal order and structure of the Reich and was subdivided as follows:

A 1 General questions of work on spheres of German life.

A 2 Law.

- A 3 Constitution and administration.
- A 4 National life in general.
- A 5 General questions of police law, and technical questions of legislation.

Section B dealt with nationality, and was subdivided as follows:

- B 1 Nationality questions.
- B 2 Minorities.
- B 3 Race and health of the people.
- B 4 Citizenship and naturalization.
- B 5 Occupied territories.

Section C dealt with culture, and was subdivided as follows:

- C 1 Science.
- C 2 Educational religious life.
- C 3 Folk culture and art.
- C 4 Press, literature, radio, office for evaluation of material.

Section D dealt with economics, and was subdivided as follows:

- D a Reading office, economics, press, magazines, literature.
- D b Colonial economics.
- D S Special questions and review of material.
- D West Western occupied regions.
- D Ost Eastern occupied regions.
- D 1 Food economy.
- D 2 Commerce, handcraft, and transport.
- D 3 Finance, currency, banks and exchanges, insurance.
- D 4 Industry and Power.
- D 5 Labor and Social Questions. (L-219)

Within Germany the original regional offices of the SD were called *SD-Oberabschnitte* and *SD-Unterabschnitte*. In 1939 these designations were changed to *SD-Abschnitte* and *SD-Leitabschnitte*. Offices of the *SD-Abschnitte* were located in the same place as the *Staatspolizeistellen*. *SD-Abschnitte* located where there were *Staats Polizeileitstellen* were called "*SD Leitabschnitte*." Direct orders came from the Chief of the Security Police and SD in Berlin (RSHA) to these regional offices, but they were also subject to the supervision of the *Inspekturs* of the SIPO and SD. In the occupied territories the regional offices of the SD were coordinated with the GESTAPO and Criminal Police under *Kommandeurs* of the SIPO and SD who were subject to *Befehlshabers* of the Security Police and SD who reported to the Chief of the Security Police and SD (RSHA) in Berlin. (1680-PS, L-361)

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(3) *Combined Organization of the GESTAPO and SD.* The central offices of the GESTAPO and SD were coordinated in 1936 with the appointment of Heydrich, the head of the SD, as chief of the Security Police. The office of Heydrich was called "Chief of the Security Police and SD." (1551-PS)

When the central offices of the GESTAPO and SD, together with the Criminal Police, were centralized in one main office (RSHA) in 1939, the functions were somewhat redistributed.

Amt I of the RSHA handled personnel for the three agencies. Subsection A 2 handled personnel matters of the GESTAPO, A 3 handled personnel matters of the KRIPO, and A 4 handled personnel matters of the SD.

Amt II handled organization, administration, and law for the three agencies. Subsection C handled domestic arrangements and pay accounts, and was divided into two sections, one to take care of pay accounts of the Security Police and the other to take care of pay accounts of the SD, since personnel of the former were paid by the State and personnel of the latter were paid by the Party. Subsection D, under SS-Obersturmbannfuehrer Rauff handled technical matters, including the motor vehicles of the SIPO and SD.

Amt III was the SD and was charged with investigation into spheres of German life. Its subdivisions have heretofore been considered.

Amt IV was the GESTAPO and was charged with combatting political opposition. Its subdivisions have heretofore been considered.

Amt V was the KRIPO and was charged with combatting criminals. Subsection V D was the criminalological institute for the SIPO handling matters of identification, chemical and biological investigations, and technical research.

Amt VI was concerned with foreign political intelligence and contained subsections dealing with western Europe, Russia and Japan, Anglo-American sphere, and central Europe. It contained a special section dealing with sabotage.

Amt VII handled ideological research against enemies, such as Freemasonry, Judaism, political churches, Marxism, and liberalism. (L-185, L-219)

The centralization of the main offices of the GESTAPO and SD was not fully carried out in the regional organization. Within Germany the regional offices of the GESTAPO and SD maintained their separate identity and reported directly to the section of the RSHA which had the jurisdiction of the subject matter. They were, however, coordinated by the *Inspektors* of the Secur-

ity Police and SD. The *Inspektors* were also under the supervision of the Higher SS and Police leaders appointed for each *Wehrkreis*.

The Higher SS and Police leaders reported to the Reichsfuehrer SS and Chief of the German Police in each *Wehrkreis* and supervised not only the *Inspektors* of the Security Police and SD but also the *Inspektors* of the Order Police and various subdivisions of the SS. (1285-PS)

In the occupied territories the organization developed as the German armies advanced. Combined operational units of the Security Police and SD, known as *Einsatz* Groups, operated with and in the rear of the Army. These groups were officered by personnel of the GESTAPO, the KRIPO, and the SD, and the enlisted men were composed of Order Police and Waffen SS. They functioned with various army groups. The *Einsatz* Groups were subdivided into *Einsatzkommandos*, *Sonderkommandos*, and *Teilkommandos*, all of which performed the functions of the Security Police and SD with or closely behind the army. After the occupied territories had been consolidated, the *Einsatz* Groups and their subordinate parts were formed into permanent combined offices of the Security Police and SD within prescribed geographical locations. These combined forces were placed under the *Kommandeurs* of the Security Police and SD, and the offices were organized in sections similar to the RSHA headquarters. The *Kommandeurs* of the Security Police and SD reported directly to *Befehlshabers* of the Security Police and SD, who in turn reported directly to the Chief of the Security Police and SD. In the occupied territories, the Higher SS and Police leaders exercised more direct control over the *Befehlshabers* and the *Kommandeurs* of the Security Police and SD than within the Reich. They had authority to issue direct orders so long as they did not conflict with the Chief of the Security Police and SD who exercised controlling authority. (1285-PS, Chart Number 19.)

C. Place of the GESTAPO and SD in the Conspiracy.

(1) *Tasks and Methods of the GESTAPO*. In the basic law of 10 February 1936, the GESTAPO was declared to have "the duty to investigate and to combat in the entire territory of the State, all tendencies dangerous to the State." The decree issued for the execution of said law gave the GESTAPO the authority to make police investigations in treason, espionage, and sabotage cases, "and in other cases of criminal attacks on Party and State." (2107-PS, 2108-PS)

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In referring to the above law, the Nazi jurist, Dr. Werner Best, commented as follows:

"Not the State in its outward organic appearance but the tasks of the leadership in the sense of the National-Socialist idea is the object of protection." (2232-PS)

The duties of the GESTAPO were described in 1938 as follows, in an order published by the Party Chancery:

"To the GESTAPO has been entrusted the mission by the Fuehrer to watch over and to eliminate all enemies of the Party and the National Socialist State as well as all disintegrating forces of all kinds directed against both." (1723-PS)

In *Das Archiv*, January 1936, the duties of the GESTAPO were described in part as follows:

"Since the National Socialist revolution, all open struggle and all open opposition to the State and to the leadership of the State is forbidden, and a Secret State Police as a preventive instrument in the struggle against all dangers threatening the State is indissolubly bound up with the National Socialist Fuehrer-State." (1956-PS)

The successful accomplishment of this mission to strike down the political and ideological opponents of the Nazi conspiracy was stated in the official magazine of the SIPO and SD on 1 February 1943 in the following words:

"The Secret State Police by carrying out these tasks, contributed decisively to the fact that the National Socialist constructive work could be executed in the past ten years without any serious attempts of interference by the political enemies of the nation." (1680-PS)

The methods used by the GESTAPO were limited only by the results to be obtained.

"The duties of the political police and the necessary means for their performance are not chosen freely but are prescribed by the foe. Just like the operations of an army against the outward enemy and the means to fight this enemy cannot be prescribed, so the political police also must have a free hand in the choice of the means necessary at times to fight the attempts dangerous to the State." (2232-PS)

The GESTAPO was not restricted to the limitations of written law. The Nazi jurist, Dr. Werner Best, states:

"As long as the 'police' carries out the will of the leadership, it is acting legally." (1852-PS)

The GESTAPO was given the express power to take action outside the law in the occupied territories. The laws pertaining to the

administration of Austria and the Sudetenland provided that the Reichsfuehrer SS and Chief of the German Police will take measures for the maintenance of security and order "even beyond the legal limitation otherwise laid down for this purpose." (1437-PS, 1438-PS)

The actions and orders of the GESTAPO were not subject to judicial review. The decision of the Prussian High Court of Administration on 2 May 1935 held that the status of the GESTAPO as a special police authority removed its orders from the jurisdiction of the Administrative Tribunals. The court said that under the law of 30 November 1933 the only redress available was by appeal to the next higher authority within the GESTAPO itself. (2347-PS)

The basic law of 10 February 1936 on the powers of the GESTAPO provided specifically in Section VII:

"Orders in matters of the Secret State Police are not subject to the review of the administrative courts." (2107-PS)

Concerning the power of the GESTAPO to act outside the law, the Nazi jurist, Dr. Werner Best, states:

"It is no longer a question of law but a question of fate whether the will of the leadership lays down the 'right' rules, i.e., rules feasible and necessary for police action—the 'police' law suitable for and beneficial to the people. Actual misuse of the legislative power by a people's leadership—be it a harmful severity or weakness—will, because of the violations of the 'laws of life,' be punished in history more surely by fate itself through misfortune, overthrow and ruin, than by a State Court of Justice." (1852-PS)

The great power of the GESTAPO was "*Schutzhaft*" — the power to imprison people without judicial proceedings on the theory of "protective custody." This power was based upon the law of 28 February 1933 which suspended the clauses of the Weimar Constitution guaranteeing civil liberties to the German people, including Article 114 thereof, which provided that an abridgement of personal liberty was permissible only by authority of law. (2499-PS)

In April 1934 the Reich Minister of the Interior issued a decree (which was not made public) stating that in view of the stabilizing of the national situation it had become feasible to place restrictions upon the exercise of protective custody and providing for limitations upon its exercise. (L-301, 779-PS)

The GESTAPO did not observe such limitations, and the practice of taking people into protective custody increased greatly in

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1934. The GESTAPO did not permit lawyers to represent persons taken into protective custody and, in one instance, counsel were themselves placed in protective custody for trying to represent clients. Civil employees were investigated and taken into protective custody by the GESTAPO without knowledge of their superiors. (775-PS)

As of 1 February 1938, the Reich Minister of the Interior rescinded previous decrees relating to protective custody, including the decree of 12 April 1934, and issued new regulations. These regulations provided that protective custody could be ordered:

“* * * as a coercive measure of the Secret State Police against persons who endangered the security of the people and the State through their attitude, in order to counter all aspirations of enemies of the people and State”;

that the GESTAPO had the exclusive right to order protective custody; that protective custody was to be executed in the State concentration camps; and that the GESTAPO, which authorized release from protective custody, would review individual cases once every three months. The Chief of the Secret Police was given authority to issue the necessary regulations. (1723-PS)

The importance of this power of protective custody was set forth in *Das Archiv*, 1936, in the following language:

“The most effective preventive measure is without doubt the withdrawal of freedom, which is covered in the form of protective custody, if it is to be feared that the free activity of the persons in question might endanger the security of the State in any way. While protective arrest of short duration is carried out in police and court prisons, the concentration camps under the Secret State Police admit those taken into protective custody who have to be withdrawn from public life for a longer time.” (1956-PS)

The authority of the GESTAPO to administer the concentration camps was set forth in the decree to the basic law of 10 February 1936. (2108-PS)

Other methods used by the GESTAPO consisted of the dissolution of associations, prohibition and dissolution of assemblies and congregations, prohibition of publications of various kinds and so forth. (1956-PS)

(2) *Tasks and Methods of the SD*. The task of the SD, after it became the intelligence service for State and Party, was to obtain secret information concerning the actual and potential enemies of the Nazi leadership so that appropriate action could be taken to destroy or neutralize opposition. (1956-PS)

The duties of the SD were stated by the Nazi jurist, Dr. Werner Best, as follows:

"As the intelligence service of the German National Socialist Labor Party, the Security Service has first of all the task of investigating and keeping a watch over all forces, events and facts which are of importance for the domination of the National Socialist idea and movement in German territory. With this task follows that duty laid down by the Reich Minister of the Interior—the duty of supporting the Security Police—which is fulfilled, so far as it goes, under State orders. In support of the tasks of the Security Police in securing the ranks of the German people against interference and destruction of any kind, the Security Service has to watch over every sphere of life of the German people with regard to the activities of inimical forces and the result of state and political measures, and to inform continually the competent State authorities and offices about the facts which have come to light. Finally, it has to investigate politically and explore fundamentally the activities and connections of the great, ideological, arch-enemy of National Socialism and the German people, in order thereby to render possible a purposeful and effective fight against it." (1852-PS)

To accomplish this task, the SD created an organization of agents and informants operating out of various SD regional offices established throughout the Reich, and later in conjunction with the GESTAPO and Criminal Police throughout the occupied territories. The organization consisted of several hundred full-time agents whose work was supplemented by several thousand part-time informants. Informants were located in schools, shops, churches, and all other spheres of German life, operating under cover, and reporting any utterances or actions against the Nazi Party, State or leadership. (2614-PS)

The SD had direct and powerful influence in the selection of Nazi leaders. It investigated the loyalty and reliability of State officials, evaluating them by their complete devotion to Nazi ideology and the Hitler leadership. It secretly marked ballots and thereby discovered the identity of persons who cast "No" votes and "invalid" votes in the referenda. (2614-PS, R-142)

The SD worked closely with the GESTAPO. An article in the "*Voelkischer Beobachter*" published in *Das Archiv*, January 1936, stated:

"As the Secret State Police can not carry out, in addition to its primary executive tasks, this observation of the enemies

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of the state, to the extent necessary, there steps alongside to supplement it the Security Service of the Reichsleader of the SS, set up by the Deputy Fuehrer as the political intelligence service of the movement, which puts a large part of the forces of the movement mobilized by it into the service of the security of the state." (1956-PS)

(3) *The Place of the GESTAPO and the SD in the Conspiracy.* The GESTAPO was founded in April 1933 by Goering to serve as a political police force in Prussia. Goering intructed Diels, the first Deputy Chief of the GESTAPO, that his main task would be the elimination of political opponents of National Socialism and the fight against Communism. (2460-PS)

In "*Aufbau Einer Nation*," published in 1934, Goering said: "For weeks I had been working personally on the reorganization and at last I alone and upon my own decision and my own reflection created the office of the Secret State Police. This instrument which is so feared by the enemies of the State, has contributed most to the fact that today there can no longer be talk of a Communist and Marxist danger in Germany and Prussia." (2344-PS)

So effective had the GESTAPO proven itself in combatting the political opposition to National Socialism by the fall of 1933 that Goering took over direct control of the GESTAPO (2105-PS). Goering's position as Chief of the GESTAPO in Prussia was recognized by Himmler even after he became Chief of the German Police in 1936 (2372-PS). Even as late as December 1938 Goering continued to exercise his direct control over the Prussian GESTAPO. (D-183)

Himmler was named Deputy Chief of the GESTAPO in Prussia in 1934. He used the GESTAPO, infused with new personnel recruited in large part from the SS, to carry out the Roehm purge of 30 June 1934. (2460-PS)

The GESTAPO, through its great power of arrest and confinement to concentration camps without recourse to law, was the principal means for eliminating enemies of the Nazi regime. Diels, the former Deputy Chief of the GESTAPO under Goering, declared:

"* * * From (1934) on the GESTAPO is responsible for all deprivations of freedom and breaches of law and killings in the political field which took place without court verdict. Of primary importance among these was the shooting of numerous persons who had been committed to jails by the courts and then shot supposedly because of resistance. Many such

cases were at that time published in the papers. For people guilty of immorality such illegal shootings became the rule. As for deprivation of freedom, there was no legal reason any more for protective custody orders after 1934, which had still been the case before that date, since from 1934 on the power of the totalitarian state was so stabilized that the arrest of a person for his own protection was only an excuse for arbitrary arrest—without court verdict and without legal measures for him. The terroristic measures, which led to the development of the pure force system and punished to an increasing degree each critical remark and each impulse of freedom with the concentration camp, took on more and more arbitrary and cruel forms. The GESTAPO became the symbol of the regime of force.” (2460-PS)

D. Criminal Responsibility of the Gestapo and SD.

In the remainder of this section the criminal responsibility of the GESTAPO and the SD will be considered with respect to certain crimes against the peace, war crimes, and crimes against humanity which were in principal part committed by the centralized political police system the development and organization of which has previously been considered. In some instances the crimes were committed in cooperation or conjunction with other groups and organizations.

Frequent reference will be made to the phrase, “SIPO and SD.” The SIPO and SD was composed of the following organizations,—the GESTAPO, the KRIPO and the SD.

The GESTAPO was the largest of these, having a membership of about 40,000 or 50,000 in 1943-45. It was the political police force of the Reich. Much of its personnel consisted of transferees from former political police forces of the States. Membership in the GESTAPO was voluntary.

The KRIPO was second largest, having a membership of about 15,000 in 1943-45. It was the criminal police force of the Reich.

The SD was the smallest, having a membership of about 3,000 in 1943-45. It was the intelligence service of the SS. Membership in the SD was voluntary. (3033-PS)

In common usage, and even in orders and decrees, the term “SD” was used as an abbreviation in the term “SIPO and SD.” Since the GESTAPO was the primary executive agency of the SIPO and SD, and by far the largest, in most such cases the actual executive action was carried out by personnel of the GESTAPO rather than

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of the SD or of the KRIPO. In occupied territories members of the GESTAPO frequently wore SS uniforms. (3033-PS)

The term "Chief of the Security Police and SD" describes the person who is the head of the GESTAPO, KRIPO and the SD, and of their headquarters office called the RSHA. The "Chief of the Security Police and SD" and the "head of the RSHA" are always one and the same person. The RSHA was a department in the Reich Ministry of the Interior and in the SS. Sometimes organizational responsibility can be established by the fact that the orders in question were issued by or submitted to *Amt III* of the RSHA (in which case the action concerned the SD), to *Amt IV* of the RSHA (in which case the action concerned the GESTAPO), or to *Amt V* of the RSHA (in which case the action concerned the KRIPO).

Although the GESTAPO was the chief executive agency in the political police system, all three organizations contributed to the accomplishment of most of the criminal activities discussed hereinafter.

E. Crimes of the GESTAPO and SD against the Peace.

Prior to the invasion of Poland by Germany, "border incidents" were fabricated by the GESTAPO and SD for the purpose of furnishing Hitler with an excuse to wage war. (2751-PS)

Early in August, 1939, the plan was conceived by the Chief of the Security Police and SD, Heydrich, to stage simulated border raids by personnel of the GESTAPO and SD dressed as Poles. To add authenticity, it was planned to take certain prisoners from concentration camps, kill them by use of hypodermic injections, and leave their bodies, clad in Polish uniforms, at the various places where the incidents were planned to occur. The Chief of the GESTAPO, Mueller, took a directing hand in these actions, which were staged on 31 August 1939 in Beuthen, Hindenburg, Gleiwitz, and elsewhere.

The leader of the SD agents who made the pretended attack on the Gleiwitz radio station on 31 August, said:

"* * * In my presence, Mueller discussed with a man named Mehlhorn plans for another border incident, in which it should be made to appear that Polish soldiers were attacking German troops. Germans in the approximate strength of a company were to be used. Mueller stated that he had 12 or 13 condemned criminals who were to be dressed in Polish uniforms and left dead on the ground of the scene of the incident, to show that they had been killed while attacking. For

this purpose they were to be given fatal injections by a doctor employed by Heydrich. Then they were also to be given gunshot wounds. After the incident members of the press and other persons were to be taken to the spot of the incident. A police report was subsequently to be prepared.

"4. Mueller told me that he had an order from Heydrich to make one of those criminals available to me for the action at Gleiwitz. The code name by which he referred to these criminals was 'Canned Goods.'

"5. The incident at Gleiwitz in which I participated was carried out on the evening preceding the German attack on Poland. As I recall, war broke out on the 1st of September 1939. At noon of the 31st August I received by telephone from Heydrich the code word for the attack which was to take place at 8 o'clock that evening. Heydrich said, 'In order to carry out this attack report to Mueller for Canned Goods.' I did this and gave Mueller instructions to deliver the man near the radio station. I received this man and had him laid down at the entrance to the station. He was alive but he was completely unconscious. I tried to open his eyes. I could not recognize by his eyes that he was alive, only by his breathing. I did not see the shot wounds but a lot of blood was smeared across his face. He was in civilian clothes.

"6. We seized the radio station as ordered, broadcast a speech of three to four minutes over an emergency transmitter, fired some pistol shots and left." (2751-PS; 2479-PS)

These were the "frontier incidents" to which Hitler referred in his speech to the Reichstag on 1 September 1939. (Adolf Hitler, "My New Order," Reynal and Hitchcock, Inc., 1941, p. 687.)

F. War Crimes of the GESTAPO and SD.

(1) *The GESTAPO and SD carried out mass murders of hundreds of thousands of civilians of occupied countries as a part of the Nazi program to exterminate political and racial undesirables ("Einsatz Groups").* About four weeks before the attack on Russia, special task forces of the SIPO and SD, called *Einsatzgruppen* or Special Task Groups, were formed on order of Himmler for the purpose of following the German armies into Russia, combatting partisans and members of resistance groups and exterminating the Jews and Communist leaders. In the beginning four *Einsatz* Groups were formed. *Einsatz* Group A, operating in the Baltic States, was placed under the command of Stahlecker, former Inspector of the SIPO and SD. *Einsatz* Group B, operating toward

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Moscow, was placed under the command of Nebe, the Chief of *Amt V* (KRIPO) of the RSHA. *Einsatz* Group C, operating toward Kiev, was placed under the command of Rasch and later of Thomas, former Chief of the SIPO and SD in Paris. *Einsatz* Group D, operating in the south of Russia, was placed under the command of Ohlendorf, the Chief of *Amt III* (SD) of the RSHA.

The *Einsatz* Groups were officered by personnel of the GESTAPO, the SD and the KRIPO. The men were drawn from the Order Police and the Waffen SS. The groups had complements of 400 to 500 men, and had their own vehicles and equipment. By agreement with the OKW and OKH, the *Einsatzkommandos* were attached to certain Army corps or divisions. The Army assigned the area in which the *Einsatzkommandos* were to operate, but all operational directives and orders for the carrying out of executions were given through the RSHA in Berlin. Regular courier service and radio communications existed between the *Einsatz* Groups and the RSHA.

The affidavit of Ohlendorf, Chief of the SD, who led *Einsatz* Group D, reads in part as follows:

"When the German Army invaded Russia, I was leader of *Einsatzgruppe D* in the southern sector, and in the course of the year during which I was leader of the *Einsatzgruppe D*, it liquidated approximately 90,000 men, women and children. The majority of those liquidated were Jews, but there were also among them some Communist functionaries.

"In the execution of this extermination program the *Einsatzgruppen* were subdivided into *Einsatzkommandos*, and the *Einsatzkommandos* into still smaller units, the so-called *Sonderkommando* and *Teilkommandos*. Usually the smaller units were led by a member of the SD, the GESTAPO or the KRIPO. The unit selected for this task would enter a village or city and order the prominent Jewish citizens to call together all Jews for the purpose of resettlement. They were asked to hand over their personal belongings to the leaders of the unit, and shortly before the execution, to surrender their outer clothing. The men, women and children were led to a place of execution which usually was located beside a deepened anti-tank ditch. Then they were shot, kneeling or standing, and the corpses were thrown into the ditch. I never permitted the shooting by individuals in Group D, but ordered that several of the men should shoot at the same time in order to avoid direct personal responsibility. The leaders of the unit, or especially designated persons, however, had to fire the last shot against those victims who were not dead immediately.

I learned from conversations with other group leaders that some of them asked the victims to lie down flat on the ground to be shot through the neck. I did not approve of these methods." (2620-PS)

The contention that these murders were carried out by subterfuge and without force and terror is belied by the eyewitness account of two such mass murders witnessed by Hermann Graebe, who was manager and engineer in charge of the branch office of the Solingen firm of Josef Jung in Sdolbunow, Ukraine, from September 1941 until January 1944. Graebe's interest in the mass executions derived from the fact that in addition to Poles, Germans, and Ukrainians, he employed Jews on the various construction projects under his supervision. He was personally acquainted with the leader of the SIPO and SD who carried out the actions hereinafter described with the aid of SS-men (most of whom wore the SD arm-band) and Ukrainian militia. Graebe negotiated with SS-major Putz, the leader of the SIPO and SD, for the release of about 100 Jewish workers from the action which took place in Rowno on 13 July 1942. The original letter which exempted these Jewish workers from the action is attached to Graebe's affidavit, which states in part as follows:

"In the evening of this day I drove to Rowno and posted myself with Fritz Einsporn in front of the house in the Bahnhofstrasse in which the Jewish workers of my firm slept. Shortly after 22.00 the ghetto was encircled by a large SS detachment and again about three times as many members of the Ukrainian militia. Then the electric floodlights which had been erected all around the ghetto were switched on. SS and militia details of 4 to 6 members entered or at least tried to enter the houses. Where the doors and windows were closed and the inhabitants did not open upon the knocking, the SS men and militia broke the windows, forced the doors and beams with crowbars and entered the dwellings. The owners were driven onto the street just as they were, regardless of whether they were dressed or whether they had been in bed. Since the Jews in most cases refused to leave their dwellings and resisted, the SS and militia both applied force. With the help of whippings, kicks and hits with the rifle butts they finally succeeded in having the dwellings evacuated. The people were chased out of their houses in such haste that the small children who had been in bed had been left behind in several instances. In the street women cried out for their children and children for their parents. That did not prevent the SS from chasing the people along the road, at double time, and hitting them

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until they reached a waiting freight train. Car after car was filled, over it hung the screaming of women and children, the cracking of whips and rifle shots. Since several families and groups had barricaded themselves in especially strong buildings, and the doors could not be forced with crowbars or beams, these houses were now blown open with hand grenades. Since the ghetto was near the railroad tracks in Rowno, the younger people tried to get across the tracks and to a small river to be outside of the ghetto. This sector being outside of the floodlights was lighted by signal ammunition. All through the night these beaten, chased and wounded people dragged themselves across the lighted streets. Women carried their dead children in their arms, children hugged and dragged by their arms and feet their dead parents down the road toward the train. Again and again the calls 'Open the door,' 'Open the door' echoed through the ghetto." (2992-PS)

The leader of *Einsatz* Group D, Ohlendorf, stated in his affidavit that other *Einsatz* Group leaders required the victims to lie down flat on the ground to be shot through the neck. Graebe describes a mass execution of this kind which he observed carried out under the direction of a man in SD uniform on 5 October 1943 at Dubno, Ukraine, as follows:

"Thereupon in the company of Moennikes I drove to the construction area and saw in its vicinity a heap of earth, about 30 meters long and 2 meters high. Several trucks stood in front of the heap. Armed Ukrainian militia chased the people off the trucks under the supervision of an SS man. The militia men were guards on the trucks and drove them to and from the excavation. All these people had the prescribed yellow badges on the front and back of their clothes, and thus were recognized as Jews.

"Moennikes and I went directly to the excavation. Nobody bothered us. Now we heard shots in quick succession from behind one of the earth mounds. The people who had gotten off the trucks—men, women, and children of all ages—had to undress upon the orders of an SS man who carried a riding or dog whip. They had to put down their clothes in fixed places, sorted according to shoes, over and underclothing. I saw a pile of shoes of about 800 to 1,000 pairs, great piles of laundry and clothing. Without screaming or crying these people undressed, stood around by families, kissed each other, said farewells and waited for the nod of another SS man, who stood near the excavation, also with a whip in his hand. During the 15 minutes that I stood near the excavation I have

heard no complaint and no request for mercy. I watched a family of about 8 persons, a man and a woman, both about 50 with their children of about 1, 8 and 10, and two grown-up daughters of about 20 to 24. An old woman with snow-white hair held the one-year-old child in her arms and sang for it, and tickled it. The child was squeaking from joy. The couple looked on with tears in their eyes. The father held the hand of a boy about 10 years old and spoke to him softly; the boy was fighting his tears. The father pointed toward the sky, fondled his hand, and seemed to explain something to him. At that moment the SS-man at the excavation called something to his comrades. The latter counted off about 20 persons and instructed them to walk behind the earth mound. Among them was the family which I had mentioned. I remember very well a girl, blackhaired and slender, passing near me; she pointed at herself and said, '23 years.' I walked around the mound, and stood in front of a tremendous grave. Closely pressed together the people were lying on top of each other so that only their heads were visible. Several of the people shot still moved. Some lifted their arms and turned their heads to show that they were still alive. The excavation was already two-thirds full. I estimated that it contained about 1,000 people. I looked for the man who did the shooting. I saw an SS-man who sat at the rim of the narrow end of the excavation, his feet dangling into the excavation. On his knees he had a machine pistol and he was smoking a cigarette. The completely naked people descended a stairway which was dug into the clay of the excavation and slipped over the heads of the people lying there already to the place to which the SS-man directed them. They laid themselves in front of the dead or injured people, some touched tenderly those who were still alive and spoke to them in a low voice. Then I heard a number of shots. I looked into the excavation and saw how the bodies jerked or the heads rested already motionless on top of the bodies that lay before them. Blood was running from their necks. I was surprised that I was not chased away, but I saw there were two or three postal officers in uniform nearby. Now already the next group approached, descended into the excavation, lined themselves up against the previous victims and was shot. When I walked back, around the mound, I noticed again a transport which had just arrived. This time it included sick and frail persons. An old, very thin woman with terribly thin legs was undressed by others who were already naked, while two persons

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held her up. Apparently the woman was paralyzed. The naked people carried the woman around the mound. I left with Moenikes and drove with my car back to Dubno." (2992-PS)

There are two reports by Stahlecker, the Chief of *Einsatz* Group B, available. The first report, found in Himmler's personal files, states that during the first four months of the Russian campaign *Einsatz* Group A murdered 135,000 Communists and Jews, and carried out widespread destruction of homes and villages and other vast crimes. Enclosure 8 to this Stahlecker report is a careful survey of the number of persons murdered, classified as to country, and whether Jew or Communist, with totals given in each instance. This report discloses that the *Einsatz* Groups frequently enlisted the aid of the local populations in the extermination program. It states:

"In view of the extension of the area of operations and the great number of duties which had to be performed by the Security Police, it was intended from the very beginning to obtain the cooperation of the reliable population for the fight against vermin—that is, mainly the Jews and Communists." (L-180)

With respect to extermination of Jews the report stated:

"From the beginning it was to be expected that the Jewish problem could not be solved by pogroms alone. In accordance with the basic orders received, however, the cleansing activities of the Security Police had to aim at a complete annihilation of the Jews. Special detachments reinforced by selected units—in Lithuania partisan detachments, in Latvia units of the Latvian auxiliary police—therefore performed extensive executions both in towns and in rural areas. The actions of the execution detachments were performed smoothly.

* * *

Enclosure 8, "Survey of the number of executed persons" is quoted directly from the report:

"Enclosure 8—Survey of the number of executed persons

Area	Jews	Communists	Total
"Lithuania:			
Kowono town and surroundings			
(land)	31,914	80	31,994
Schaulen	41,332	763	42,145
Wilna	7,015	17	7,032
	80,311	860	81,171
"Latvia:			
Riga town and surroundings			
(land)			6,378
Mitau			3,576
Libau			11,860
Wolmar			209
Dueanaburg	9,256	589	9,845
	30,025	1,843	31,868
"Esthonia			
	474	684	1,158
"White Ruthenia			
	7,620		7,620
"Total:			
Lithuania	80,311	860	81,171
Latvia	30,025	1,843	31,868
Esthonia	474	684	1,158
White Ruthenia	7,620		7,620
	118,430	3,387	121,817
"to be added to these figures:			
In Lithuania and Latvia Jews annihilated by pogroms.....			5,500
Jews, Communists and partisans executed in old-Russian area....			2,000
Lunatics executed			748
			122,455
Communists and Jews liquidated by State Police and Security			
Service Tilsit during search actions.....			5,502
			135,567"

(L-180.)

The second report from *Einsatz* Group A (L-180) reports the extermination of nearly 230,000 persons. With respect to Esthonia, it states in part:

"Only by the SIPO and SD were the Jews gradually executed as they became no longer required for work. Today there are no longer any Jews in Esthonia."

With respect to Latvia, the report states in part:

"Up to October 1941 approximately 30,000 Jews had been executed by these *Sonderkommandos*. The remaining Jews who were still indispensable from the economic point of view were collected in Ghettos, which were established in Riga, Duenaburg and Libau."

With respect to Lithuania, the report states in part:

"Therefore by means of selected units—mostly in the proportion of 1:8—first of all the prisons, and then systematically, district by district, the Lithuanian sector was cleansed of Jews of both sexes. Altogether 136,421 people were liquidated

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in a great number of single actions. As the complete liquidation of the Jews was not feasible, as they were needed for labor, Ghettos were formed which at the moment are occupied as follows: Kauem approximately 15,000 Jews; Wilna approximately 15,000 Jews; Schaulen approximately 4,500 Jews. These Jews are used primarily for work of military importance. For example, up to 5,000 Jews are employed in 3 shifts on the aerodrome near Kauem on earthworks and work of that sort."

With respect to White Russia, the report states in part:

"In view of the enormous distances, the bad condition of the roads, the shortage of vehicles and petrol, and the small forces of Security Police and SD, it needs the utmost effort to be able to carry out shootings in the country. Nevertheless 41,000 Jews have been shot up to now."

With respect to Jews from the Reich, the report states in part

"Since December 1940 transports containing Jews have arrived at short intervals from the Reich. Of these, 20,000 Jews were directed to Riga and 7,000 Jews to Minsk. Only a small section of the Jews from the Reich is capable of working. About 70-80 percent are women and children or old people unfit for work. The death rate is rising continually also as a result of the extraordinarily bad winter. In isolated instances sick Jews with contagious disease were selected under the pretext of putting them into a home for the aged or a hospital, and executed."

Attached as an enclosure to this report is a map entitled "Jewish Executions Carried out by *Einsatzgruppe A*," on which, by the use of coffins as symbols, the number of Jews murdered in each area covered by *Einsatz Group A* is shown (*Chart Number 4*). The map shows thousands of Jews in ghettos, and an estimated 128,000 Jews "still on hand" in the Minsk area. Number of murdered, according to figures beside the coffins, during the period covered by this report, was 228,050.

On 30 October 1941 the Commissioner of the territory of Sluzk wrote a report to the Commissioner General, Minsk, in which he severely criticized the actions of the *Einsatzcommandos* operating in his area for the murder of all the Jews of Sluzk:

"On 27 October in the morning at about 8 o'clock a first lieutenant of the police battalion No. 11 from Kauem (Lithuania) appeared and introduced himself as the adjutant of the battalion commander of the security police. The first lieutenant explained that the police battalion had received the assignment to effect the liquidation of all Jews here in the town of Sluzk,

within two days. The battalion commander with his battalion in strength of four companies, two of which were made up of Lithuanian partisans, was on the march here and the action would have to begin instantly. I replied to the first lieutenant that I had to discuss the action in any case first with the commander. About half an hour later the police battalion arrived in Sluzk. Immediately after the arrival the conference with the battalion commander took place according to my request. I first explained to the commander that it would not very well be possible to effect the action without previous preparation, because everybody had been sent to work and that it would lead to terrible confusion. At least it would have been his duty to inform me a day ahead of time. Then I requested him to postpone the action one day. However, he rejected this with the remark that he had to carry out this action everywhere and in all towns and that only two days were allotted for Sluzk. Within these two days, the town of Sluzk had to be cleared of Jews by all means. For the rest, as regards the execution of the action, I must point out to my deepest regret that the latter bordered already on sadism. The town itself offered a picture of horror during the action. With indescribable brutality on the part of both the German police officers and particularly the Lithuanian partisans, the Jewish people, but also among them White Ruthenians, were taken out of their dwellings and herded together. Everywhere in the town shots were to be heard and in different streets the corpses of shot Jews accumulated. The White Ruthenians were in greatest distress to free themselves from the encirclement. Regardless of the fact that the Jewish people, among whom were also tradesmen, were mistreated in a terribly barbarous way in the face of the White Ruthenian people, the White Ruthenians themselves were also worked over with rubber clubs and rifle butts. There was no question of an action against the Jews any more. It rather looked like a revolution. In conclusion I find myself obliged to point out that the police battalion has looted in an unheard of manner during the action, and that not only in Jewish houses but just the same in those of the White Ruthenians. Anything of use such as boots, leather, cloth, gold and other valuables, has been taken away. On the basis of statements of members of the armed forces, watches were torn off the arms of Jews in public, on the streets, and rings were pulled off the fingers in the most brutal manner. A major of the finance department reported that a Jewish girl was asked by the police to obtain immediately 5,000 rubles

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to have her father released. This girl is said to have actually gone everywhere in order to obtain the money." (1104-PS)

This report was submitted by the Commissioner General of White Ruthenia to the Reich Commissioner for the Eastern Territories on 1 November 1941 with the following comment:

"I am submitting this report in duplicate so that one copy may be forwarded to the Reich Minister. Peace and order cannot be maintained in White Ruthenia with methods of that sort. To bury seriously wounded people alive who worked their way out of their graves again is such a base and filthy act that the incidents as such should be reported to the Fuehrer and Reichs Marshal." (1104-PS)

On the same date by separate letter the Commissioner General of White Ruthenia reported to the Reich Commissioner for the Eastern Territories that he had received money, valuables, and other objects taken by the police in the action at Sluzk and other regions, all of which had been deposited with the Reich Credit institute for the disposal of the Reich Commissioner. (1104-PS)

On 21 November 1941 a report on the Sluzk incident was sent to the personal reviewer of the permanent deputy of the Minister of the Reich with a copy to Heydrich, the Chief of the Security Police and SD. (1104-PS)

On 6 November 1942 a secret report submitted to the Reich Commissar for the East concerning the struggle against partisans in the East discloses that destruction of villages continued, and reports the execution of 1,274 partisan suspects and 8,350 Jews, and the deportation of 1,217 people. This report was forwarded on 10 December 1942 to the Reich Minister for the occupied Eastern territories. (1113-PS)

The report from the prison administrator at Minsk as of 31 May 1943 to the General Commissioner for White Ruthenia states:

"The German, former dentist Ernst Israel Tichauer and his wife Elisa Sara Tichauer, born Rosenthal, were delivered to the Court-Prison by the SD (*Hauptscharfuehrer* Rube) on 13 April 1943. Since that date, the golden bridgework, crowns and fillings of the received German and Russian Jews were pulled out, respectively broken out by force. This always happened 1-2 hours before the actions in question.

"Since 13 April 1943, 516 German and Russian Jews were liquidated. After careful investigation it was ascertained that gold objects were only taken away during 2 actions, namely on 14 April 43 from 172 and on 27 April 43 from 164 Jews. About 50 percent of the Jews had gold teeth, bridges or fill-

ings. *Hauptscharfuehrer* Rube of the SD was always present in person, and also took the gold objects with him.

"This has not been done before 13 April 1943."

This report was forwarded to the Reich Minister for the occupied Eastern territories on 1 June 1943. (*R-135*)

Death vans were used by the *Einsatz* Groups to murder victims by gas. These vans were built by the Saurer Works in Berlin and other firms. The vans were built for the technical section of *Amt II* of the RSHA, which sent them to the *Einsatz* Groups in the field. They were first used in the spring of 1942 and continued to be used throughout the war (*2348-PS*). The method of using the vans is described by Ohlendorf in the following words:

"We received orders to use the car for the killing of women and children. Whenever a unit had collected a sufficient number of victims, a car was sent for their liquidation. We also stationed these cars in the neighborhood of the transit camps to which the victims had been brought. They were told that they would be resettled and had to climb into the cars for that purpose. Then the doors were closed and as soon as the cars started moving the gas would enter. The victims died within ten to fifteen minutes. The cars were driven to the burial place where the corpses were taken out and buried." (*2620-PS*)

A letter from Becker, the operator of several death vans, written to Rauff, the head of the technical section of *Amt II* of the RSHA, on 16 May 1942, states:

"The overhauling of vans by groups D and C is finished. While the vans of the first series can also be put into action if the weather is not too bad the vans of the second series (Saurer) stop completely in rainy weather. If it has rained for instance for only one-half hour, the van cannot be used because it simply skids away. It can only be used in absolutely dry weather. It is only a question now whether the van can only be used standing at the place of execution. First the van has to be brought to that place, which is possible only in good weather. The place of execution is usually 10-15 km away from the highways and is difficult of access because of its location; in damp or wet weather it is not accessible at all. If the persons to be executed are driven or led to that place, then they realize immediately what is going on and get restless, which is to be avoided as far as possible. There is only one way left; to load them at the collecting point and to drive them to the spot.

"I ordered the vans of group D to be camouflaged as house-trailers by putting one set of window shutters on each side

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of the small van and two on each side of the larger vans, such as one often sees on farm-houses in the country. The vans became so well-known, that not only the authorities but also the civilian population called the van "death van", as soon as one of these vehicles appeared. It is my opinion that the van cannot be kept secret for any length of time, not even camouflaged.

"* * * I should like to take this opportunity to bring the following to your attention: several commands have had the unloading after the application of gas done by their own men. I brought to the attention of the commanders of those SK concerned the immense psychological injuries and damages to their health which that work can have for those men, even if not immediately, at least later on. The men complained to me about headaches which appeared after each unloading.

"* * * The application of gas usually is not undertaken correctly. In order to come to an end as fast as possible, the driver presses the accelerator to the fullest extent. By doing that the persons to be executed suffer death from suffocation and not death by dozing off as was planned. My directions now have proved that by correct adjustment of the levers death comes faster and the prisoners fall asleep peacefully. Distorted faces and excretions, such as could be seen before, are no longer noticed." (501-PS)

The death vans were not always satisfactory. A telegram from the commandant of the SIPO and SD "Ostland" to the RSHA, *Amt II D*, on 15 June 1942, states:

"A transport of Jews, which has to be treated in a special way, arrives weekly at the office of the commandant of the Security Police and the Security Service of White Ruthenia. "The three S-vans, which are there, are not sufficient for that purpose. I request assignment of another S-van (5-tons). At the same time I request the shipment of 20 gas-hoses for the three S-vans on hand (2 Diamond, 1 Saurer), since the ones on hand are leaky already." (501-PS)

The reports of the various *Einsatz* Groups were summarized at RSHA, and the summaries were then distributed to the various sections interested, particularly *Amt III* (the SD), *Amt IV* (the GESTAPO), and *Amt V* (the KRIPO) (2752-PS). One such report covering the period 1-31 October 1941 is entitled "Activity and Situation Report No. 6 of the *Einsatz* Groups of the Security Police and the SD in the USSR" (R-102). This report describes in summary form the activities of the various *Einsatz* Groups dur-

ing the month of October 1941. The report first discusses the stations and in that regard states:

"During the period covered by this report the stations of the Task Forces of the Security Police and the SD have changed only in the Northern Sector.

"The present stations are:

"Task Force A: since 7 October 1941 Krasnowardeisk.

"Task Force B: continues in Smolensk.

"Task Force C: since 27 September 1941 in Kiew.

"Task Force D: since 27 September 1941 in Nikolajew.

"The Action and Special Commandos (*Einsatz und Sonder Commandos*) which are attached to the Task Force continue on the march with the advancing troops into the sectors which have been assigned to them." (R-102)

The report next discusses the activities of each *Einsatz* Group. There is included first a discussion of the Baltic area, next of White Ruthenia, and last of the Ukraine. Under each section the work of the *Einsatz* Groups in connection with the action taken against partisans, Jews, and communist officials is considered. With respect to the treatment of Jews in the Baltic area the report states in part:

"* * * However, the Estonian Protective Corps (*Selbstschutz*), formed at the time of the entry of the *Wehrmacht*, immediately started a comprehensive arrest action of all Jews. This action was under the direction of the task force of the Security Police and the SD.

"The measures taken were:

1. Arrest of all male Jews over 16.
2. Arrest of all Jewesses from 16-20 years, who lived in Reval and environs and were fit for work; these were employed in peat cutting.
3. Comprehensive detention in the synagogue of all Jewesses living in Dorport and its environs.
4. Arrest of the Jews and Jewesses fit for work in Pernau and environs.
5. Registration of all Jews according to age, sex, and capacity for work for the purpose of their detention in a camp that is being prepared.

"The male Jews over 16 were executed with the exception of doctors and the elders. At the present time this action is still in progress. After completion of this action there will remain only 500 Jewesses and children in the Eastern territory. * * * (R-102)

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With respect to partisan activity in White Ruthenia, the report states in part:

“* * * In the village Michalowo, after careful reconnaissance through civilian agents, 8 partisans were surprised in a house by the same Commando of the Security Police and the SD, they were arrested and hanged the next day in this particularly partisan infested village.

“The president of the District Region Soviets in Tarenitsch and his secretary were shot because of their connections with partisans.

“During an action approximately 70 kilometers south of Mogilow, 25 Armenians, Kirghize and Mongols were apprehended with false identification papers with which they tried to conceal the fact that they belong to a partisan group. They were liquidated. * * *” (R-102)

With respect to arrests and executions of communists in White Ruthenia, the report states in part:

“A further large part of the activity of the Security Police was devoted to the combating of Communists and criminals. A special Commando in the period covered by this report executed 63 officials, NKVD agents and agitators. * * *” (R-102)

With respect to the action taken against the Jews in White Ruthenia the report states in part:

“* * * All the more vigorous are the actions of the task forces of the Security Police and the SD against the Jews who make it necessary that steps be taken against them in different spheres.

“In Gorodnia 165 Jewish terrorists and in Tschenrigow 19 Jewish Communists were liquidated. 8 more Jewish communists were shot at Beresna.

“It was experienced repeatedly that the Jewish women showed an especially obstinate behaviour. For this reason 28 Jewesses had to be shot in Krugoje and 337 at Mogilew.

“In Borissow 321 Jewish saboteurs and 118 Jewish looters were executed.

“In Bobruisk 380 Jews were shot who had engaged to the last in incitement and horror propaganda [*Hetz-und Greuelpropaganda*] against the German army of occupation.

“In Tatarsk the Jews had left the Ghetto of their own accord and returned to their old home quarters, attempting to expel the Russians who had been quartered there in the meantime. All male Jews as well as 3 Jewesses were shot.

“In Sadrudubs the Jews offered some resistance against the

establishment of a Ghetto so that 272 Jews and Jewesses had to be shot. Among them was a political Commissar.

"MOGILEW

"In Mogilew too, the Jews attempted to sabotage their removal to the Ghetto; 113 Jews were liquidated.

"Wit

"Moreover four Jews were shot on account of refusal to work and 2 Jews were shot because they had sabotaged orders issued by the German occupation authorities.

"In Talka 222 Jews were shot for anti-German propaganda and in Marina Gorka 996 Jews were shot because they had sabotaged orders issued by the German occupation authorities.

"At Schklow 627 more Jews were shot because they had participated in acts of sabotage.

"Witebsk

"On account of the extreme danger of an epidemic, a beginning was made to liquidate the Jews in the ghetto at Witebsk. This involved approximately 3000 Jews. * * *"

(R-102)

With respect to partisan activity in the Ukraine the report states in part:

"Although partisan activity in the south sector is very strong too, there is nevertheless the impression that spreading and effective partisan activity are strongly affected by the flight of higher partisan leaders and by the lack of initiative of the subordinate leaders who have remained behind. Only in one case a commando of the Security Police and the SD succeeded in a fight with partisans in shooting the Secretary of the Communist Party for the administration district of Nikolajew-Cherson, who was at the time Commissar of a partisan group for the district Nikolajew-Cherson-Krim. * * * (R-102)

With respect to treatment of Jews in the Ukraine the report states in part:

"The embitterment of the Ukrainian population against the Jews is extremely great because they are thought responsible for the explosions in Kiew. They are also regarded as informers and agents of the NKVD who started the terror against the Ukrainian people. As a measure of retaliation for the arson at Kiew, all Jews were arrested and altogether 33,771 Jews were executed on the 29th and 30th September. Money, valuables and clothing were secured and put at the disposal of the National-Socialist League for Public Welfare (NSV) for the equipment of the National Germans [Volks-

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deutschen] and partly put at the disposal of the provisional city administration for distribution to the needy population.

"Shitomir

"In Shitomir 3,145 Jews had to be shot, because from experience they have to be regarded as bearers of Bolshevik propaganda and saboteurs.

"Cherson

"In Cherson 410 Jews were executed as a measure of retaliation for acts of sabotage. Especially in the area east of the Dnjepr the solution of the Jewish question has been taken up energetically by the task forces of the Security Police and the SD. The areas newly occupied by the Commandos were purged of Jews. In the course of this action 4,891 Jews were liquidated. At other places the Jews were marked and registered. This rendered it possible to put at the disposal of the *Wehrmacht* for urgent labor, Jewish worker groups up to 1,000 persons." (R-102)

These reports, circulated among the various offices of the RSHA, brought general knowledge to the entire organization of the program of mass murder conducted by these special task forces of the SIPO and SD. (R-102)

The activities of the *Einsatz* Groups continued throughout 1943 and 1944 under Kaltenbrunner as Chief of the SIPO and SD. New groups were formed and sent into action in the West (2890-PS). Under adverse war conditions, however, the program of extermination was to a large extent changed to one of rounding up slave labor for Germany. A letter written on 19 March 1943 from the headquarters of a *Sonderkommando* (section of *Einsatz* Group C) states as follows:

"It is the task of the Security Police and of the Security Service (SD) to discover all enemies of the Reich and fight against them in the interest of security, and in the zone of operations especially to guarantee the security of the army. Besides the annihilation of active opponents all other elements who, by virtue of their opinions or their past, may appear active as enemies under favorable conditions, are to be eliminated [*sind * * * auszumerzen*] through preventive measures. The Security Police carries out this task according to the general directives of the Fuehrer with all the required toughness. Energetic measures are especially necessary in territories endangered by the activity of hostile gangs. The competence of the Security Police within the zone of operations is based on the Barbarossa decrees. I deem the measures of the Security

Police, carried out on a considerable scale during recent times, necessary for the two following reasons:

"1. The situation at the front in my sector had become so serious that the population, partly influenced by Hungarians and Italians, who streamed back in chaotic condition, took openly position against us.

"2. The strong expeditions of hostile gangs, who came especially from the forest of Bryansk, were another reason. Besides that, other revolutionary groups, formed by the population, appeared suddenly in all districts. The providing of arms evidently provided no difficulties at all. It would have been irresponsible, if we had observed this whole activity without acting against it. It is obvious that all such measures bring about some harshness. I want to take up the significant points of harsh measures:

"1. The shooting of Hungarian Jews.

"2. The shooting of directors of collective farms.

"3. The shooting of children.

"4. The total burning down of villages.

"5. The "shooting, while trying to escape" of Security Service (SD) prisoners.

"Chief of *Einsatz* Group C confirmed once more the correctness of the measures taken, and expressed his recognition for the energetic actions.

"With regard to the current political situation, especially in the armament industry in the fatherland, the measures of the Security Police have to be subordinated to the greatest extent to the recruiting of labor for Germany. In the shortest possible time, the Ukraine has to put at the disposal of the armament industry 1 million workers, 500 of whom have to be sent from our territory daily.

"The work of the field groups has therefore to be changed as of now. The following orders are given:

"1. Special treatment is to be limited to a minimum.

"2. The listing of communist functionaries, activists and so on, is to take place by roster only for the time being, without arresting anybody. It is, for instance, no longer feasible to arrest all the close relatives of a member of the communist party. Although, members of the Komsomolz are to be arrested only if they were active in a leading position.

"3. The activity of the labor offices, respective of recruiting commissions, is to be supported to the greatest extent possible. It will not be possible always to refrain from using force. During a conference with the Chief of the Labor Commit-

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ment Staffs, an agreement was reached stating that wherever prisoners can be released, they should be put at the disposal of the Commissioner of the Labor Office. When searching [*Überholung*] villages, resp., when it has become necessary to burn down a village, the whole population will be put at the disposal of the Commissioner by force.

"4. As a rule, no more children will be shot.

"5. The reporting of hostile gangs as well as drives against them is not affected hereby. All drives against these hostile gangs can only take place after my approval has been obtained.

"6. The prisons have to be kept empty, as a rule. We have to be aware of the fact that the Slavs will interpret all soft treatment on our part as weakness and that they will act accordingly right away. If we limit our harsh measures of security police through above orders for the time being, that is only done for the following reason. The most important thing is the recruiting of workers. No check of persons to be sent into the Reich will be made. No written certificates of political reliability check or similar things will be issued.

"(signed) Christiansen."

(3012-PS)

The head of the Jewish section in the GESTAPO, and the man directly responsible for carrying out the mass extermination program against the Jews by the GESTAPO, *Obersturmbannführer* Eichmann, estimated in his report to Himmler on the matter, that 2,000,000 Jews had been killed by shootings, mainly by the *Einsatz* Groups of the SIPO and SD during the campaign in the East. This did not include the estimated 4,000,000 sent by the GESTAPO for extermination in annihilation camps. (2615-PS)

(2) *The GESTAPO and SD stationed special units in prisoner of war camps for the purpose of screening out racial and political undesirables and executing them.* The program of mass murder of political and racial undesirables carried on against civilians was also applied to prisoners of war captured on the Eastern front. Warlimont, Deputy Chief of Staff of the *Wehrmacht Fuehrungs Stab*, states:

"* * * Shortly before the beginning of this campaign [with U.S.S.R.] I was present in a group composed of the Commanders in Chief (with their Chiefs of Staff) of the three Armed Forces, of the Army groups, of Armies, and of the corresponding groups in the Air Forces and Navy. Hitler made an announcement to this group that special measures

would have to be taken against political functionaries and commissars of the Soviet army. He said that this would not be an ordinary campaign but would be the clash of conflicting ideologies. He further said that the political functionaries and commissars were not to be considered as prisoners of war but were to be segregated from other prisoners immediately after their capture and were to be turned over to special detachments of the SD which were to accompany the German troops to Russia. He further said that when it was not possible to turn over the political functionaries and commissars to the SD, they were to be eliminated by the German troops." (2884-PS)

The Chief of the SD, Otto Ohlendorf, describes this action in the following words:

"In 1941, shortly after the start of the campaign against Russia, an agreement was entered into between the Chief of the Security Police and SD and the OKW and OKH to the effect that the prisoner of war camps on the Eastern front should be opened to *Einsatzkommandos* of the SIPO and SD so that the prisoners could be screened. All Jews and Communist functionaries were to be taken from the prisoner of war camps by the *Einsatzkommandos* and executed outside the camps. To my knowledge, this action was carried on throughout the entire Russian campaign. In the other occupied territories and within the Reich—to my knowledge—the GESTAPO had been made responsible for this program in the Russian prisoner of war camps. It was, to my knowledge, carried on throughout the greater part of the war." (2622-PS)

Lahousen, chief of a division in the office of foreign intelligence in the *Wehrmacht*, states:

"* * * From the start of the campaign against the U.S.S.R. the higher German political and military leadership followed the policy of eliminating Russian commissars and various other types of Russian prisoners of war captured by the *Wehrmacht*. In June and July 1941 I participated in a conference which concerned itself with the treatment of Russian commissars. * * * Obergruppenfuehrer Mueller was present as representative of the RSHA, and he participated in this matter because, as Chief of Section IV, he was responsible for the carrying out of these measures. Jointly with the SD and the GESTAPO he had the task of instituting the necessary measures for the execution of commissars. * * * In the discussion that followed, Mueller promised in a peculiarly cynical manner that these executions would

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take place in the future outside the camp, so that the troops would not be obliged to watch them. He promised further a certain limitation in the concept of 'Bolshevistically infected.' This concept and its interpretation had been hitherto left to the discretion of the SD *Sonderkommandos*. * * * An agreement was concluded between the OKW, the GESTAPO and the SD. Pursuant to this agreement Russian prisoners of war under the control of the OKW were delivered to the GESTAPO and SD for execution. The term '*Sonderbehandlung*' in the official documents and way of speaking of the SD was equivalent to 'condemned to death.'" (2846-PS)

On 17 July 1941 instructions were issued by the GESTAPO to Commandos of the SIPO and SD stationed in Stalags, providing in part as follows:

"The activation of commandos will take place in accordance with the agreement of the Chief of the Security Police and Security Service and the Supreme Command of the Armed Forces as of 16 July 1941 (see enclosure 1). The commandos will work independently according to special authorization and in consequence of the general regulations given to them, in the limit of the camp organizations. Naturally, the commandos will keep close contact with the camp-commander and the defense-officers assigned to him.

"The mission of the commandos is the political investigating of all camp-inmates, the elimination and further 'treatment'

"a. of all political, criminal or in some other way unbearable elements among them.

"b. of those persons who could be used for the reconstruction of the occupied territories.

"The commandos must use for their work as far as possible, at present and even later, the experiences of the camp-commanders which the latter have collected meanwhile from observation of the prisoners and examinations of camp inmates.

"Further, the commandos must make efforts from the beginning to seek out among the prisoners elements which appear reliable, regardless if there are communists concerned or not, in order to use them for intelligence purposes inside of the camp and, if advisable, later in the occupied territories also.

"By use of such informers and by use of all other existing possibilities, the discovery of all elements to be eliminated among the prisoners, must proceed step by step at once.

* * *

"Above all, the following must be discovered: All important functionaries of state and party, especially

Professional revolutionaries

Functionaries of the Komintern

All policy forming party functionaries of the KPdSU and its fellow organizations in the central committees, in the regional and district committees.

All peoples-commissars and their deputies

All former political commissars in the Red-Army

Leading personalities of the state-authorities of central and middle regions.

The leading personalities of the business world.

Members of the Soviet-Russian intelligence

All Jews

All persons who are found to be agitators or fanatical communists. * * *

"Executions are not to be held in the camp or in the immediate vicinity of the camp. If the camps in the general-government are in the immediate vicinity of the border, then the prisoners are to be taken for special treatment, if possible, into the former Soviet-Russian territory. * * *

"In regard to executions to be carried out and to the possible removal of reliable civilians and the removal of informers for the *Einsatz*-group in the occupied territories, the leader of the *Einsatz-Kommando* [?] must make an agreement with the nearest State-Police-Office, as well as with the commandant of the Security Police Unit and Security Service and beyond these with the Chief of the *Einsatz*-group concerned in the occupied territories. * * * (502-PS)

On 23 October 1941 the Camp Commander of the concentration camp Gross Rosen reported to Mueller, Chief of the GESTAPO, a list of Russian PWs who had been executed the preceding day. (1165-PS)

On 9 November 1941 Mueller issued a directive to all GESTAPO offices in which he ordered that diseased PWs should be excluded from the transport into the concentration camps for execution. The letter began:

"The commandant of the concentration camps are complaining that 5 to 10 percent of the Soviet Russians destined for execution are arriving in the camps dead or half dead. Therefore the impression has arisen that the Stalags are getting rid of such prisoners in this way. * * * (1165-PS)

The affidavit of Kurt Lindow, former GESTAPO official, states:

"* * * 2. From 1941 until the middle of 1943 there was

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attached to subsection IVA1 a special department that was headed by the *Regierungsobersinspektor*, later *Regierungsamt-mann*, and *SS-Hauptsturmbannfuehrer* Franz Koenigshaus. In this department were handled matters concerning prisoners of war. I learned from this department that instructions and orders by Reichsfuehrer Himmler, dating from 1941 and 1942, existed according to which captured Soviet Russian political Commissars and Jewish soldiers were to be executed. As far as I know proposals for execution of such PWs were received from the various PW camps. Koenigshaus had to prepare the orders for execution and submitted them to the chief of section IV, Mueller, for signature. These orders were made out so that one order was to be sent to the agency making the request and a second one to the concentration camp designated to carry out the execution. The PWs in question were at first formally released from PW status, then transferred to a concentration camp for execution. * * *

“* * * 4. There existed in the PW camps on the Eastern front small screening teams (*Einsatzkommandos*) headed by lower ranking members of the Secret Police (GESTAPO). These teams were assigned to the camp commanders and had the job to segregate the PWs who were candidates for execution, according to the orders that had been given, and to report them to the Office of the Secret Police (*Geheimes Staatspolizeiamt*). * * *” (2542-PS)

(3) *The GESTAPO and SD sent recaptured prisoners of war to concentration camps where they were executed (“Bullet Decree”).* In March 1944 the Chief of the Security Police and SD forwarded an OKW order to regional SIPO and SD offices in which the OKW ordered that, on recapture, every escaped officer and nonworking NCO prisoner of war, with the exception of British and American prisoners of war, were to be handed over to the SIPO and SD, with the words “*Stufe III*”. Whether escaped British and American officers and nonworking NCOs, upon recapture, should be handed over to the SIPO and SD was to be decided by the High Command of the Army. In connection with this order, the Chief of the Security Police and SD (RSHA) issued instructions that the GESTAPO *Leitstellen* should take over the escaped officers from the camp commandants and transport them in accordance with a procedure theretofore in force to the Mauthausen concentration camp. The camp commandant was to be informed that the prisoners were being handed over under the operation “*Kugel*”. On the journey the prisoners of war were to be placed in irons. The

GESTAPO *Leitstellen* were to make half-yearly reports, giving numbers only, of the handing over of prisoners of war. Escaped officer and nonworking NCO prisoners of war, with the exception of British and Americans, recaptured by police stations were not to be handed back to the Stalag command. The Stalag was to be informed of the recapture and asked to surrender them with the words "*Stufe III*". (1650-PS)

On 27 July 1944 an order from the 6th Corps Area Command was issued on the treatment of prisoners of war, which provided that prisoners of war were to be discharged from prisoner-of-war status and transferred to the GESTAPO if they were guilty of crimes, had escaped and been recaptured, or refused to work or encouraged other prisoners not to work, or were screened out by *Einsatzkommandos* of the SIPO and SD, or were guilty of sabotage. No reports on transfers were required (1514-PS). This decree was known as the "*Kugel Erlass*" ("Bullet Decree"). Prisoners of war sent to Mauthausen concentration camp under it were regarded as dead to the outside world and were executed. (2478-PS; 2285-PS.)

(4) *The GESTAPO and SD were responsible for establishing and classifying concentration camps, and for committing racial and political undesirables to concentration and annihilation camps for slave labor and mass murder.* The first concentration camps were established in 1933 at Dachau in Bavaria and at Oranienburg in Prussia. The GESTAPO was given by law the responsibility of administering the concentration camps. (2108-PS)

The GESTAPO had the sole authority to take persons into protective custody, and orders for protective custody were carried out in the State concentration camps. (1723-PS)

The GESTAPO issued the orders establishing concentration camps, transforming prisoner of war camps into concentration camps, designating concentration camps as internment camps, changing labor camps into concentration camps, setting up special sections for female prisoners, and so forth. (D-50; D-46.)

The Chief of the Security Police and SD ordered the classification of concentration camps according to the seriousness of the accusation and the chances for reforming the prisoners from the Nazi viewpoint. The concentration camps were classified as Classes I, II, or III. Class I was for the least serious prisoners, and Class III for the most serious prisoners. (1063-A-PS)

Regional offices of the GESTAPO had the authority to commit persons to concentration camps for short periods, at first 21 days and later 56 days, but all other orders for protective custody had

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to be approved by the GESTAPO headquarters in Berlin. Orders for protective custody issued by GESTAPO headquarters had to be signed by or on behalf of the Chief of the Security Police and SD, at first Heydrich, later Kaltenbrunner. (2477-PS)

The Chief of the Security Police and SD had authority to fix the length of the period of custody. During the war it was the policy not to permit the prisoners to know the period of custody and merely to announce the term as "until further notice". (1531-PS)

The local GESTAPO offices which made the arrests maintained a register called the "*Haftbuch*." In this register the names of all persons arrested were listed, together with personal data, grounds for the arrest, and disposition. When orders were received from the GESTAPO headquarters in Berlin to commit persons who had been arrested to concentration camps, an entry was made in the *Haftbuch* to that effect. The reason assigned for the arrest and commitment of persons to concentration camps usually was that, according to the GESTAPO, the person endangered by his attitude the existence and security of the people and the State. Further specifications of grounds included such offenses as that of "working against the Greater German Reich with an illegal resistance organization," "being a Jew," "suspected of working for the detriment of the Reich," "being strongly suspected of aiding desertion," "because as a relative of a deserter he is expected to take advantage of every occasion to harm the German Reich," "refusal to work," "sexual intercourse with a Pole," "religious propaganda," "working against the Reich," "loafing on the job," or "defeatist statements." Sometimes specification of the grounds simply referred to an "action," under which a large number of persons would be arrested and sent to concentration camps. (L-358; L-215.)

On 16 December 1942, Mueller, Chief of the GESTAPO, reported that, in connection with an increase in slave labor required by concentration camps by 30 January 1943 the GESTAPO could round up 45,000 Jews, including invalids, aged, and children. The telegram stated:

- "In accordance with the increased recruitment of manpower into the concentration camps, which was ordered by 30 January 1943, the following may be applied in the Jewish sector:
- "1. Total amount: 45,000 Jews.
 - "2. Start of transportation 11 January 1943.
 - "3. Completion of transportation 31 January 1943." (1472-PS)

On 17 December 1942, Mueller issued an order to the *Kommandeurs* and *Inspektors* of the SIPO and SD and to the directors

of the GESTAPO regional offices, in which he stated that Himmler, Reichsfuehrer SS and Chief of the German Police, had given orders on 14 December 1942 that at least 35,000 persons who were fit for work had to be put into concentration camps not later than at the end of January. The order further provided that Eastern or foreign workers who had escaped or broken the labor contracts were to be sent to the nearest concentration camps as quickly as possible, and that inmates of detention rooms and educational work camps who were fit for work should be delivered to the nearest concentration camps. (1063-D-PS)

On 23 March 1943, Mueller issued another directive referring to said directive of 17 December 1942, in which he stated that measures are to be carried out until 30 April 43. More explicit instructions were given as to which concentration camps the slave laborers were to be sent. He said:

"Care has to be taken that only prisoners who are fit for work are sent to concentration camps, and adolescents only in accordance with the provisions issued; otherwise, contrary to the purpose, the concentration camps become overburdened."
(L-41)

On 25 June 1943, Mueller issued an order stating that the decrees of 17 December 1942 and of 23 March 1943 had achieved the intended goal. (1063-E-PS)

On 21 April 1943, the Minister of Justice declared in a letter that the RSHA had ordered on 11 March 1943 that all Jews who were released from prison were to be handed over to the GESTAPO for lifelong detainment in the concentration camps at Auschwitz and Lublin. Poles released after an imprisonment of over six months were to be transferred to the GESTAPO for internment in a concentration camp for the duration of the war. (701-PS)

The arrest of Jews and their shipment to annihilation camps was carried out under the direction of Eichmann, head of the section handling Jews in the Gestapo. Eichmann's staff was composed of members of the SIPO, especially the GESTAPO. The Jews were shipped on order of the SIPO and SD to annihilation camps in the East. Eichmann estimated, and so reported to Himmler, that 4,000,000 Jews were killed in the annihilation camps in the East, in addition to the 2,000,000 Jews shot by the *Einsatz* Groups. The extermination of Jews in the annihilation camps was accomplished mainly after the beginning of 1943, during the time Kaltenbrunner was the Chief of the Security Police and SD. (2615-PS)

(5) *The GESTAPO and the SD participated in the deportation of citizens of occupied countries for forced labor and handled the*

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disciplining of forced labor. On 26 November 1942, Fritz Sauckel transmitted a letter to the president of provincial employment offices in which he stated that he had been advised by the Chief of the Security Police and SD (RSHA) under date of 26 October 1942 that during the month of November the evacuation of Poles in the Lublin district would begin in order to make room for the settlement of persons of the German race. The Poles who were evacuated as a result of this measure were to be put into concentration camps for labor so far as they were criminal or asocial. The remaining Poles who were suitable for labor were to be transported without their families into the Reich, there to be put at the disposal of the Labor Allocation Offices to serve as replacements for Jews eliminated from the armament factories. (L-61)

During 1943 the program of mass murder carried out by the *Einsatz* Groups in the East was modified, and orders were issued to round up hundreds of thousands of persons for the armament industry.

"In the shortest possible time the Ukraine has to put at the disposal of the armament industry one million workers, 500 of whom have to be sent from our territory daily. * * * The activity of the labor offices * * * is to be supported to the greatest extent possible. * * * When searching villages, esp. when it has become necessary to burn down a village, the whole population will be put at the disposal of the Commissions by force. * * * The most important thing is the recruiting of workers." (3012-PS)

On 18 June 1941 secret orders were issued from the Chief of the Security Police and SD, signed by Mueller, to prevent the return of Eastern emigrants and civilian workers from the Reich to the East, and to keep them in German war production. Any attempts at refusal to work were to be countered by the GESTAPO with the severest measures, arrest and confinement in concentration camps (1573-PS). The Chief of the Security Police and SD had exclusive jurisdiction over labor reformatory camps established under control of the GESTAPO for disciplining foreign workers. (1063-B-PS)

(6) *The GESTAPO and SD executed captured commandos and paratroopers, and protected civilians who lynched Allied flyers.* On 4 August 1942 Keitel issued an order which provided that the GESTAPO and SD were responsible for taking counter-measures against single parachutists or small groups of them with special missions. Even if such paratroopers were captured by the *Wehr-*

macht, they were to be handed over to the GESTAPO and the SD. (553-PS)

On 18 October 1942, Hitler ordered that all members of Commando units, even when in uniform, or members of sabotage groups, armed or not, were to be exterminated to the last man by fighting or by pursuing them. Even if they wished to surrender, they were not to be spared. Members of such Commandos, acting as agents, saboteurs, etc., handed over to the *Wehrmacht* through other channels, were to be turned over immediately to the SD. (498-PS)

On 17 June 1944, the Chief of the Security Police and SD, in a Top Secret letter to the Supreme Command of the Armed Forces, stated that he had instructed the Commander of the SIPO and SD in Paris to treat parachutists in English uniform as members of Commando operations in accordance with Hitler's order of 18 October 1942. (1276-PS)

On 26 June 1944, WFST issued an order in which it was stated that enemy paratroopers landing in Brittany were to be treated as commandos, and that it was immaterial whether the paratroopers were in uniform or civilian clothes. The order provided that in cases of doubt enemy soldiers who were captured alive were to be handed over to the SD for examination as to whether the Fuehrer Order of 18 October 1942 was to be applied or not. (532-PS)

Commandos turned over to the SIPO and SD under these orders were executed. (526-PS; 2374-PS.)

The affidavit of Adolf Zutter, former adjutant of Mauthausen concentration camp, states in part:

"* * * Concerning the American Military Mission which landed behind the German front in the Slovakian or Hungarian area in January, 1945, I remember, when these officers were brought to Camp Mauthausen; I suppose the number of the arrivals were about 12 to 15 men. They wore a uniform which was American or Canadian; brown-green color, shirt, and cloth cap. Eight or ten days after their arrival the execution order came in by telegraph or teletype. *Standartenfuehrer* Ziweis came to me into my office and told me now Kaltenbrunner has given the permission for the execution. This letter was secret and had the signature: signed Kaltenbrunner. Then, these people were shot according to martial law and their belongings were given to me by 1st Sgt. [*Oberscharfuehrer*] Niedermeyer. * * *" (L-51)

On 10 August 1943, Himmler issued an order to the Security Police stating that it was not the task of the Police to interfere

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in clashes between Germans and English and American terror flyers who had bailed out. (R-110)

In 1944 at a conference of *Amt* Chiefs Kaltenbrunner said:

"All offices of the SD and the security police are to be informed that pogroms of the populace against English and American terror-flyers are not to be interfered with; on the contrary, this hostile mood is to be fostered." (2990-PS)

On 12 June 1944 the Chief of the SD-*Abschnitte* Koblenz stated that the Army had issued a similar order, namely, that German soldiers were not to protect enemy flyers from the populace and that the Army no longer attached value to enemy flyers taken prisoner. (745-PS)

(7) *The GESTAPO and SD took civilians of occupied countries to Germany for secret trial and punishment ("Nacht und Nebel Erlass")*. On 7 December 1941 Hitler issued the directive, since called the "*Nacht und Nebel Erlass*" (Night and Fog Decree), under which persons who committed offenses against the Reich or occupation forces in occupied territories, except where death sentence was certain, were to be taken secretly to Germany and surrendered to the Security Police and SD for trial or punishment in Germany. An executive ordinance was issued by Keitel the same date, and on 4 February 1942 the directive and ordinance were published to the police and the SS. (L-90)

In compliance with the above directive, the military intelligence turned over cases, other than those in which the death sentence was probable, to the GESTAPO and the Secret Field Police for secret deporting to Germany. (833-PS)

After the civilians arrived in Germany, no word of the disposition of their cases was permitted to reach the country from which they came, or their relatives. Even when they died awaiting trial, the SIPO and SD refused to notify the families, so that anxiety would be created in the minds of the family of the arrested person. (668-PS)

(8) *The GESTAPO and SD arrested, tried, and punished citizens of occupied territories under special criminal procedure and by summary methods*. The GESTAPO arrested, placed in protective custody, and executed civilians of occupied territories under certain circumstances. Even where there were courts capable of handling emergency cases, the GESTAPO conducted its own executions without regard to normal judicial processes. (674-PS)

On 18 September 1942, Thierack, the Reich Minister of Justice, and Himmler came to an understanding by which antisocial

elements were to be turned over to Himmler to be worked to death, and a special criminal procedure was to be applied by the police to the Jews, Poles, gypsies, Russians, and Ukrainians who were not to be tried in ordinary criminal courts. (654-PS)

On 5 September 1942 an order was issued by the RSHA to the offices of the GESTAPO and SD covering this understanding. This order provided that ordinary criminal procedure would not be applied against Poles, Jews, gypsies, and other Eastern people, but that instead they would be turned over to the police. Such persons of foreign extraction were to be treated on a basis entirely different from that applied to Germans.

“* * * Such considerations which may be right for adjudicating a punishable offense committed by a German are, however, wrong for adjudicating a punishable offense committed by a person of alien race. In the case of punishable offenses committed by a person of alien race the personal motives actuating the offender must be completely eliminated. The only standard may be that German civil order is endangered by his action, and that consequently preventive measures must be taken to prevent the recurrence of such risks. In other words, the action of a person of alien race is not to be viewed from the angle of judicial expiation, but from the angle of the police guard against danger.

“As a result of this, the administration of penal law for persons of alien race must be transferred from the hands of the administrators of justice into the hands of the police.

* * *” (L-316)

(9) *The GESTAPO and SD executed or confined persons in concentration camps for crimes allegedly committed by their relatives.* On 19 July 1944, the Commander of the SIPO and SD for the District Radom published an order transmitted through the Higher SS and Police Leaders to the effect that in all cases of assassination or attempted assassination of Germans, or where saboteurs had destroyed vital installations, not only the guilty person but also all his (or her) male relatives should be shot and the female relatives over 16 years of age put into a concentration camp. (L-37)

In the summer of 1944, the *Einsatzkommando* of the SIPO and SD at Luxembourg caused persons to be confined at Sachsenhausen concentration camp because they were relatives of deserters and were, therefore, “expected to endanger the interest of the German Reich if allowed to go free.” (L-215)

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(10) *The GESTAPO and SD were instructed to murder prisoners in the SIPO and SD prisons to prevent their release by the Allied armies.* On 21 July 1944, the Kommandeur of the SIPO and SD for the District Radom forwarded an order of the *Befehlshaber* of the SIPO and SD to the effect that it was essential that the number of inmates of the SIPO and SD prisons be kept as low as possible. Inmates were to be subjected only to short formal interrogations and then to be sent by the quickest route to concentration camps. Preparations were to be made for total clearance of the prisons should the situation at the front necessitate such action. In the case of sudden emergency precluding the evacuation of the prisoners, they were to be shot and their bodies buried or otherwise disposed of, the buildings to be dynamited, and so forth. In similar circumstances, the Jews who were still employed in the armament industries or in other work were to be dealt with in the same way. The liberation of prisoners or Jews by the enemy was to be avoided at all costs. (L-53)

(11) *The GESTAPO and the SD participated in the seizure and spoliation of public and private property.* In connection with the program for the mass extermination of Jews and Communist functionaries, the GESTAPO and the SD seized all personal effects of the persons executed or murdered. On the eastern front the victims were required not only to give up all their personal possessions, but even to remove their outer garments prior to being murdered. (2620-PS)

In connection with the program of confiscation of scientific, religious, and art archives and objects, an agreement was entered into between Rosenberg and Heydrich, under which the SD and Rosenberg were to cooperate closely in the confiscation of public and private collections. (071-PS)

(12) *The GESTAPO and SD conducted third degree interrogations.* On 26 October 1939 an order to all GESTAPO offices from the RSHA signed Mueller, "by order," in referring to execution of protective custody during the war, stated in part:

"In certain cases, the Reichsfuehrer SS and Chief of the German Police will order flogging in addition to detention in a concentration camp. Orders of this kind will, in the future, also be transmitted to the State Police District Office concerned. In this case, too, there is no objection to spreading the rumour of this increased punishment. * * *

(1531-PS)

On 12 June 1942 the Chief of the Security Police and SD,

through Mueller, published an order authorizing the use of third degree methods in interrogating where preliminary investigation indicates that the prisoner could give information on important facts such as subversive activities, but not to extort confessions of the prisoner's own crimes. The order stated in part:

"* * * 2. Third degree may, under this supposition, only be employed against Communists, Marxists, Jehovah's Witnesses, saboteurs, terrorists, members of resistance movements, parachute agents, anti-social elements, Polish or Soviet-Russian loafers or tramps. In all other cases, my permission must first be obtained.

"* * * 4. Third degree can, according to the circumstances, consist amongst other methods, of:

very simple diet (bread and water)

hard bunk

dark cell

deprivation of sleep

exhaustive drilling

also in flogging (for more than 20 strokes a doctor must be consulted)." (1531-PS)

On 24 February 1944 the *Kommandeur* of the SIPO and SD for the district Radom, "in view of the variety of methods used to date in third-degree interrogations and in order to avoid excesses," published an order issued by the BdS Cracow based on regulations in force for the Reich which followed closely the limitations laid down in the above decree of 12 June 1942. (L-89)

G. Crimes of the GESTAPO and SD Against Humanity.

(1) *The GESTAPO and the SD were primary agencies for the persecution of the Jews.* The persecution of the Jews under the Nazi regime is a story of increasingly severe treatment, beginning with restrictions, then seizure and spoliation of property, commitment to concentration camps, deportation, slave labor, and finally mass murder. The responsibility of the GESTAPO and the SD for the mass extermination program carried out by the *Einsatz* Groups of the SIPO and SD and in the annihilation camps to which Jews were sent by the SIPO and SD has already been considered. In this subdivision, the place of the GESTAPO and SD in the development of this persecution will be treated.

Section B of the SD dealt with problems of nationality, including minorities, race and national health, immigration, and resettlement. Section B4 of the GESTAPO, headed by Eichmann, dealt with Jewish affairs, including matters of evacuation, means

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of suppressing enemies of the people and State, and dispossession of rights of German citizenship. One of the functions of the SD was to furnish information concerning the Jews to the GESTAPO. One of the functions of the GESTAPO was to carry out the Nazi program of persecution of the Jews. (*L-185; L-219.*)

The GESTAPO was charged with the enforcement of discriminatory laws, such as those preventing Jews from engaging in business, restricting their right to travel, and prohibiting them from associating with gentiles. Violations of such restrictions resulted in protective custody and confinement in concentration camps by the GESTAPO. (*L-217; L-152; L-167.*)

The Chief of the Security Police and SD ordered the GESTAPO and the SD to supervise the anti-Jewish pogrom staged in November 1938 following the von Rath incident in Paris. As many Jews were to be arrested in all districts as the available jail space would hold. Well-to-do Jews were to be singled out for arrest, and primarily only healthy male adults of not too advanced age. Immediately after completion of the arrests, the competent concentration camp was to be notified in order to provide for speediest transfer of Jews to the camps. (*3051-PS*)

On 11 November 1938 Heydrich reported to Goering by secret express letter on the results of the action as reported by the GESTAPO. The report stated in part:

"* * * The extent of the destruction of Jewish shops and houses cannot yet be verified by figures. The figures given in the reports: 815 shops destroyed, 171 dwelling houses set on fire or destroyed, only indicate a fraction of the actual damage caused, as far as arson is concerned. Due to the urgency of the reporting, the reports received to date are entirely limited to general statements such as 'numerous' or 'most shops destroyed.' Therefore the figures given must have been exceeded considerably.

"191 synagogues were set on fire, and another 76 completely destroyed. In addition 11 parish halls, [*Gemeindehauser*] cemetery chapels and similar buildings were set on fire and 3 more completely destroyed.

"20,000 Jews were arrested, also 7 Aryans and 3 foreigners. The latter were arrested for their own safety.

"36 deaths were reported and those seriously injured were also numbered at 36. Those killed and injured are Jews. One Jew is still missing. The Jews killed include one Polish national, and those injured include 2 Poles." (*3058-PS*)

On 31 July 1941 Goering sent the following order to the Chief of the Security Police and SD, Heydrich:

"Complementing the task that was assigned to you on 24 January 1939, which dealt with arriving at a solution of the Jewish problem through furtherance of emigration and evacuation as advantageous as possible, I hereby charge you with making all necessary preparations in regard to organizational and financial matters for bringing about a complete solution of the Jewish question in the German sphere of influence in Europe." (710-PS)

In February or March 1943, according to Gottfried Boley, *Ministerialrat* in the Reich Chancery, a conference on the solution of the Jewish problem, attended by representatives of the ministries, was called by Kaltenbrunner as Chief of the Security Police and SD. Boley states:

"The meeting was presided over by Eichmann who had charge of Jewish problems in the GESTAPO. In his opening remarks Eichmann referred to former conferences that had taken place in the office of the Chief of the Security Police and SD, and that on this occasion he wished to discuss the matter in a more basic manner. He stated that the Jewish question had to be solved in a quick and proper way. Representatives of the Chief of the Security Police and SD who attended the conference made it clear to those present that the remaining Jews had to be sent forcibly to concentration camps or be sterilized. Those present at the conference must have carried away the impression that the objectives were the extermination of the Jewish people." (2645-PS)

The deportation of Jews into concentration camps was part of the program for slave labor. Jews not fit for work were screened out at extermination centers, such as Auschwitz, and the remainder were taken into concentration and work camps. The orders were issued by Himmler and passed through the Chief of the Security Police and SD, Kaltenbrunner (formerly Heydrich) to Mueller, Chief of the GESTAPO, and then to Eichmann for execution. (2376-PS; 1472-PS.)

In Galicia, the deportation of Jews was carried out during the period from April 1942 to June 1943. At the end of that time Galicia had been entirely cleared of Jews. In all, 434,392 Jews were deported from Galicia alone. In connection with the deportations, Jewish property was confiscated, including furniture, clothing, money, dental fillings, gold teeth, wedding rings, and other personal property of all kinds. The Security Police participated in this action along with other police and SS detachments. (L-18)

In Warsaw the Security Police played a responsible role in the

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segregation of the Jews and placing them in the Ghetto, in the subsequent removal of the Jews to concentration camps, and in the final clearance of the Ghetto. The Ghetto was established in November of 1940. Over 300,000 Jews were deported from it between July and October 1942, and 6,500 more were deported in January 1943. In April and May 1943 the final clearance of the Ghetto was accomplished under the direction of the SS and Police Leader of the Warsaw area, and with units of the SIPO, Waffen SS, Order Police, and some military and Polish police units. Thousands of Jews were killed in the action. About 7,000 were transported to "T. II" where they were exterminated. The remaining 40,000 to 45,000 were placed in concentration camps. (1061-PS)

In Denmark the *Kommandeur* of the SIPO and SD was ordered in September of 1943 to arrest all Danish citizens of Jewish belief and send them to Stettin by ship and from there to the concentration camp at Theresienstadt. In spite of the protests of the *Kommandeur* of the SIPO and SD, Kaltenbrunner as Chief of the Security Police and SD gave direct orders to carry out the anti-Jewish action. Eichmann, head of the Jewish section in the GESTAPO, had direct charge of the clearance program. (2375-PS)

In Hungary the deportation of Jews was again carried out by Eichmann. This action took place under direction of the GESTAPO after the German occupation of Hungary in March 1944. About 450,000 Jews were deported from Hungary due to the pressure and direction of the GESTAPO. (2605-PS)

(2) *The GESTAPO and the SD were primary agencies for the persecution of the churches.* The fight against the churches was never brought out into the open by the GESTAPO and the SD as in the case of the persecution of the Jews. The struggle was designed to weaken the churches and to lay a foundation for the ultimate destruction of the confessional churches after the end of the war. (1815-PS)

Section C2 of the SD dealt with education and religious life. Section B1 of the GESTAPO dealt with political Catholicism. Section B2 with political Protestantism sects, and Section B3 with other churches and Freemasonry. (L-185)

As early as 1934 the GESTAPO enforced restrictions against the churches. An order by the State Police of Dusseldorf prohibited the churches from engaging in public activities, especially public appearances in groups, sports, hikes, and the establishment of holiday or outdoor camps. (R-145)

In 1934 the Bavarian Political Police placed three ministers in

protective custody for refusing to carry out the order of the Government to ring church bells on the occasion of the death of Hindenburg. (1521-PS)

The GESTAPO dissolved those church organizations which it considered to have political objectives. In 1938 the GESTAPO at Munich dissolved by order the Guild of the Virgin Mary of the Bavarian dioceses. (1481-PS)

An insight into the hidden objectives and secret methods of the GESTAPO and the SD in the fight against the churches is disclosed in the file of the GESTAPO regional office at Aachen (1815-PS). On 12 May 1941 the Chief of the GESTAPO issued a directive in which he reported that the Chief of the Security Police and SD had issued an order under which the treatment of church politics which had theretofore been divided between the SD and the GESTAPO was to be taken over entirely by the GESTAPO. The SD "church specialists" were to be temporarily transferred to the same posts in the GESTAPO and operate an intelligence service in the church political sphere there. SD files concerning church political opposition were to be handed over to the GESTAPO, but the SD was to retain material concerning the confessional influence on the lives of the people.

On 22 and 23 September 1941 a conference of church specialists attached to GESTAPO regional offices was held in the lecture hall of the RSHA in Berlin. The notes on the speeches delivered at this conference indicate that the GESTAPO considered the church as an enemy to be attacked with determination and "true fanaticism." The immediate objective of the GESTAPO was stated to be to insure that the Church did not win back any lost ground. The ultimate objective was stated to be the destruction of the confessional churches. This was to be brought about by the collection of material through the GESTAPO church intelligence system to be produced at a proper time as evidence for the charge of treasonable activities during the German fight for existence.

The executive measures to be applied by the GESTAPO were discussed. It was stated to be impractical to deal with political offenses under normal legal procedure owing to lack of political perception which prevailed among the legal authorities. The so-called "agitator-Priests," therefore, had to be handled by GESTAPO measures, and when necessary removed to a concentration camp. The following punishments were to be applied to priests according to individual circumstances: warning, fine, forbidden to preach, forbidden to remain in parish, forbidden all activity as a priest, short-term arrest, protective custody. Retreats, youth and recreational camps, evening services, processions and pil-

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grimaces were all to be forbidden on grounds of interfering with the war effort, blackouts, overburdened transportation, etc.

In executing this program close cooperation was required between the GESTAPO and the SD. The study and treatment of the Church in its opposition to the Nazi state was the responsibility of the GESTAPO. The result of this treatment of the Church in the sphere of "religious life" remained the province of the SD. By these means the GESTAPO and the SD carried on the struggle of the Nazi conspirators against the Church.

H. Conclusion.

The evidence shows that the GESTAPO was created by Goering in Prussia in April 1933 for the specific purpose of serving as a police agency to strike down the actual and ideological enemies of the Nazi regime, and that henceforward the GESTAPO in Prussia and in the other States of the Reich carried out a program of terror against all who were thought to be dangerous to the domination of the conspirators over the people of Germany. Its methods were utterly ruthless. It operated outside the law and sent its victims to the concentration camps. The term "GESTAPO" became the symbol of the Nazi regime of force and terror.

Behind the scenes, operating secretly, the SD, through its vast network of informants, spied upon the German people in their daily lives, on the streets, in the shops, and even within the sanctity of the churches.

The most casual remark of a German citizen might bring him before the GESTAPO, where his fate and freedom were decided without recourse to law. In this government, in which the rule of law was replaced by a tyrannical rule of men, the GESTAPO was the primary instrumentality of oppression.

The GESTAPO and the SD played an important part in almost every criminal act of the conspiracy. The categories of these crimes, apart from the thousands of specific instances of torture and cruelty in policing Germany for the benefit of the conspirators, indicate the extent of GESTAPO and SD complicity.

The GESTAPO and SD fabricated the border incidents which Hitler used as an excuse for attacking Poland.

Through the *Einsatz* Groups they murdered approximately 2,000,000 defenseless men, women, and children.

They removed Jews, political leaders, and scientists from prisoner of war camps and murdered them.

They took recaptured prisoners of war to concentration camps and murdered some of them.

The GESTAPO established and classified concentration camps and sent millions of people into them for extermination and slave labor.

The GESTAPO cleared Europe of the Jews and was responsible for sending 4,000,000 Jews to their deaths in annihilation camps.

The GESTAPO and SD rounded up hundreds of thousands of citizens of occupied countries and shipped them to Germany for forced labor, and sent slave laborers to labor reformatory camps and concentration camps for disciplining.

They executed captured commandos and paratroopers and protected civilians who lynched Allied flyers.

They took civilians of occupied countries to Germany for secret trial and punishment.

They arrested, tried, and punished citizens of occupied territories under special criminal procedures which did not accord them fair trials, and by summary methods.

They murdered or sent to concentration camps the relatives of persons who had allegedly committed crimes.

They ordered the murder of prisoners in SIPO and SD prisons to prevent their release by the Allied armies.

They participated in the seizure and spoliation of public and private property.

They were primary agencies for the persecution of the Jews and of the churches.

In carrying out these crimes the GESTAPO operated as an organization, closely centralized and controlled from Berlin headquarters. Reports were submitted to Berlin, and all important decisions emanated from Berlin. The regional offices had only limited power to commit persons to concentration camps. All cases, other than those of short duration, had to be submitted to Berlin for approval. From 1943 to the end of the war the defendant Kaltenbrunner was the Chief of the Security Police and SD in Berlin. The GESTAPO was organized on a functional basis. Its principal divisions dealt with the groups and institutions against which it committed the worst crimes—Jews, churches, communists, and political liberals. Thus, in perpetrating these crimes, the GESTAPO acted as an entity, each section performing its part in the general criminal enterprises ordered by Berlin. It must be held responsible as an entity.

The SD was at all times a department of the SS. Its criminality directly concerns and contributes to the criminality of the SS.

As to the GESTAPO, it is submitted that:

1. The GESTAPO is an organization, in the sense in which that term is used in Article 9 of the Charter.

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2. The defendants Goering and Kaltenbrunner committed the crimes defined in Article 6 of the Charter in their capacity as members and leaders of the GESTAPO.
3. The GESTAPO, as an organization, participated in and aided the conspiracy which contemplated and involved the commission of the crimes defined in Article 6 of the Charter.

In 1941, on German Police Day, Heydrich, the former Chief of the Security Police and the SD, said:

"Secret State Police, Criminal Police, and SD are still adorned with the furtive and whispered secrecy of a political detective story. In a mixture of fear and shuddering—and yet at home with a certain feeling of security because of their presence,—brutality, inhumanity bordering on the sadistic, and ruthlessness are attributed abroad to the men of this profession." (Extract from a brochure on Reinhard Heydrich, published in December 1943.)

The evidence as it is submitted, shows that brutality, inhumanity, sadism, and ruthlessness were characteristic of the GESTAPO and that it was and should be declared, a criminal organization, in accordance with article 9 of the Charter.

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO THE GEHEIME STAATSPOLIZEI (GESTAPO) AND SICHERHEITSDIENST (SD)

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 9.....	I	6
	International Military Tribunal, Indictment Number 1, Section IV (H); Appendix B.....	I	29,70, 71
	Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double		

Document	Description	Vol.	Page
	<p>asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.</p> <hr/>		
*071-PS	Rosenberg letter to Bormann, 23 April 1941, replying to Bormann's letter of 19 April 1941 (Document 072-PS). (USA 371).....	III	119
*498-PS	Top Secret Fuehrer Order for killing of commandos, 18 October 1942. (USA 501).....	III	416
*501-PS	Collection of four documents on execution by gas, June 1942, one signed by Dr. Becker, SS Untersturmfuehrer at Kiev, 16 May 1942. (USA 288).....	III	418
*502-PS	Order, 17 July 1941, entitled "Regulations for the Commandos of the Chief of the SIPO and SD which are to be activated in Stalags". (USA 486).....	III	422
*526-PS	Top secret notice, 10 May 1943, concerning saboteurs captured and shot in Norway. (USA 502).....	III	434
532-PS	Telegram of WFSt, 24 June 1944, concerning treatment of Commandos.....	III	437
*553-PS	Order signed by Keitel, 4 August 1942, regulating treatment of paratroops. (USA 500).....	III	441

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Document	Description	Vol.	Page
*654-PS	Thierack's notes, 18 September 1942, on discussion with Himmler concerning delivery of Jews to Himmler for extermination through work. (USA 218).....	III	467
*668-PS	Letter from Chief of the SIPO and SD and OKW letter, 24 June 1942, concerning prosecution of punishable offenses against the Reich or occupation forces in occupied territories. (USA 504).....	III	476
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7. THE GENERAL STAFF AND HIGH COMMAND OF THE ARMED FORCES

In one respect the General Staff and High Command of the German Armed Forces is to be distinguished from the other groups and organizations against which the prosecution seeks declaration of criminality. The Leadership Corps of the NSDAP, for example, was the instrument by which Hitlerism rose to full power in Germany. The SA and the SS were branches—large branches to be sure—of the Nazi Party. The German police had certain roots and antecedents which antedated Hitlerism, but was almost entirely a creature of the party and the SS. The Reichs Cabinet was, in essence, merely a committee or set of committees of Reichs Ministers, and when the Nazis came to power these ministerial positions were filled for the most part by Nazis. All those groups and organizations, accordingly, either owe their origin and development to Naziism, or automatically became nazified when Hitler came to full power.

That is not true of this group, the General Staff and High Command of the German Armed Forces. It is common knowledge that German armed might and the German military tradition antedate Hitlerism by many decades. The war of 1914-18, the Kaiser, and the "scrap of paper" are modern witnesses to this fact.

As a result of the German defeat in 1918 and the Treaty of Versailles, the size and activities of the German armed forces were severely restricted. The last few years have made it abundantly apparent that these restrictions did not destroy or even seriously undermine German militarism. The full flowering of German military strength came about through collaboration between the Nazis and the career leaders of the German Armed Forces—the professional soldiers, sailors, and airmen. When Hitler came to power in 1933, he did not find a vacuum in the field of military affairs; he found a small *Reichswehr* and a body of professional officers with a morale and outlook nourished by German military history.

The leaders of these professional officers constitute the group named in the Indictment—the General Staff and High Command of the German Armed Forces. This part of the case concerns that group of men. Needless to say, it is not the prosecution's position that it is a crime to be a soldier or sailor, or to serve one's country as a soldier or sailor in time of war. The profession of arms is an honorable one, and can be honorably practiced. But it is too clear for argument that a man who commits crimes cannot plead as a defense that he committed them in uniform.

It is not in the nature of things, and it is not the prosecution's position, that all members of this group were wicked men, or that they were all equally culpable. But this group not only collaborated with Hitler and supported many Nazi objectives. They furnished one thing which was essential and basic to the success of the Nazi program for Germany—skill and experience in the development and use of armed might.

Why did this group support Hitler and the Nazis? The answer is simple. The answer is that they agreed with the basic objectives of Naziism, and that Hitler gave the generals the opportunity to play a major part in achieving those objectives. The generals, like Hitler, wanted Germany to aggrandize at the expense of neighboring countries, and to do so if necessary by force or threat of force. Force—armed might—was the keystone of the arch, the thing without which nothing else would have been possible.

As they came to power and when they had attained power, the Nazis had two alternatives: to collaborate with and expand the *Reichswehr*, or to ignore the *Reichswehr* and build up a separate army of their own. The generals feared that the Nazis might do the latter. So they were the more ready to play along with the Nazis. Moreover, the Nazis offered the generals the chance of achieving much that the generals wished to achieve in the expan-

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sion of German armies and frontiers. And so the generals climbed onto the Nazi bandwagon. They saw it was going in their direction for the present. No doubt they hoped later to take over the direction themselves. In fact, it was ultimately they who were taken over by the Nazis. Hitler attracted the generals to him with the glitter of conquest and then succeeded in submerging them politically. As the war proceeded they became his tools.

But if the leaders of the Armed Forces became the tools of Nazism, it is not to be supposed that they were unwitting, or that they did not participate fully in many of the actions which are charged as criminal. The willingness, indeed eagerness, of German officers to become partners of the Nazis will be fully developed.

A. Composition and Functions of The General Staff and High Command Group.

During the first World War there was an organization in the German Armed Forces known as the Great General Staff. This name persists in the public mind, but the *Grosse Generalstab* no longer exists in fact. There has been no such single organization, no single German General Staff, since 1918. But there has of course been a group of men responsible for the policy and acts of the Armed Forces. The fact that these men have no collective name does not prevent us from collecting them together. Men cannot escape the consequences of their collective acts by combining informally instead of formally. The essence of a general staff or a high command lies not in name but in function. And the men comprised within this group do constitute a functional group, welded together by common responsibility, of those officers who had the principal authority and responsibility under Hitler, for the plans and operations of the German armed forces.

(1) *Structure and Organization of the German Armed Forces.* When the Nazis came to power in 1933 the German Armed Forces were controlled by a Reich Defense Minister, at that time Field Marshall von Blomberg. Subordinate to von Blomberg were the chiefs of the army staff (at that time von Fritsch), and of the naval staff, the defendant Raeder. Owing to the limitations imposed on Germany by the Treaty of Versailles, the German Air Force at that time had no official existence whatsoever.

In May 1935, at the time that military conscription was introduced in Germany, there was a change in the titles of these offices but the structure remained basically the same. Field Marshall von Blomberg remained in supreme command of the armed forces, with the title of Reich Minister for War and Commander-in-Chief of

the Armed Forces. Von Fritsch became Commander-in-Chief of the Army, and Raeder Commander-in-Chief of the Navy. The army and naval staffs were renamed "High Commands"—*Oberkommando des Heeres and Oberkommando der Kriegsmarine*, from which are derived the initials by which they are usually known (OKH and OKM).

The German Air Force came into official and open existence at about this same time, but it was not put under von Blomberg. It was an independent institution under the personal command of Goering, who had the double title of Air Minister and Commander-in-Chief of the Air Force.

In February 1938 a rather fundamental reorganization took place, both in terms of personnel and organizational structure. Although Raeder survived the reshuffle, von Blomberg and von Fritsch were both retired from their positions, and Blomberg's ministry, the War Ministry, was wound up. This ministry had contained a division or department called the *Wehrmachtamt* or "Armed Forces Department," the function of which was to coordinate the plans and operations of the Army and Navy. From this Armed Forces Department was formed a new over-all Armed Forces authority, known as the High Command of the Armed Forces—*Oberkommando der Wehrmacht*—usually known by the initials OKW. As the Air Force as well as the Army and the Navy was subordinated to OKW, coordination of all Armed Forces matters was vested in the OKW, which was in effect Hitler's personal staff for these matters. It combined staff and ministerial functions. Keitel was appointed chief of the OKW. The most important department of OKW was the operations staff, of which Jodl became the chief. Jodl's immediate subordinate was Warlimont, with the title of Deputy Chief of The Armed Forces Operations Staff from 1941. (The genesis of this department is explained in L-79.)

This reorganization and establishment of OKW were embodied in a decree issued by Hitler on 4 February 1938 (1938 RGBl., Part I, page 111):

"DECREE ON THE COMMAND OF THE ARMED FORCES

"Command authority over the entire Armed Forces is from now on exercised directly by me personally.

"The Armed Forces Department in the Reich War Ministry with its functions becomes 'The High Command of the Armed Forces' and comes directly under my command as my military staff.

"The head of the Staff of the High Command of the Armed

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Forces is the Chief of the former Armed Forces Department, with the title of Chief of the High Command of the Armed Forces. His status is equal to that of Reich Minister.

"The High Command of the Armed Forces also takes over the affairs of the Reich War Ministry. The Chief of the High Command of the Armed Forces as my representative exercises the functions hitherto exercised by the Reich War Minister.

"The High Command of the Armed Forces is responsible in peace time for the unified preparation of the defense of the Reich in all areas according to my directives.

"Berlin, 4 February 1938.

"The Fuehrer and Reich Chancellor

"(S) Adolf Hitler

"The Reich Minister and Chief of the Reich Chancellery

"(S) Dr. Lammers

"Chief of the High Command of the Armed Forces

"(S) Keitel"

Under OKW were the supreme commands of the three branches of the Armed Forces: OKH, OKM, and the Air Force, which did not receive the official designation of *Oberkommando der Luftwaffe* (OKL) until 1944. Raeder remained after 1938 as Commander-in-Chief of the Navy, and von Fritsch was replaced by von Brauchitsch as Commander-in-Chief of the Army. Goering continued as Commander-in-Chief of the Air Force. In 1941 von Brauchitsch was replaced as Commander-in-Chief of the Army by Hitler himself, and Raeder was replaced as Commander-in-Chief of the Navy by Doenitz early in 1943. Goering continued as Commander-in-Chief of the Air Force until the last month of the war, when he was replaced by von Greim.

OKW, OKH, OKM and the Air Force each had its own staff. These four staffs did not have uniform designations; in the case of OKH, the staff was known as the *Generalstab* (General Staff); in the case of OKW, it was known as the *Fuehrungstab* (Operations Staff); but in all cases the functions were those of a General Staff in military parlance. It will be seen, therefore, that there was in this war no single German General Staff, but rather four, one for each branch of the service plus one for the OKW as the over-all interservice supreme command.

Under OKH, OKL, and OKM were the various fighting formations of the Army, Air Force and Navy respectively. The largest army field formation was known to the Germans, as it is among the nations generally, as an "army group". An Army group was a headquarters controlling two or more "armies." In some cases,

e.g. in the campaigns in Norway and Greece where only one army was used, "armies" were directly subordinated to OKH, rather than to an "army group." Under the armies come the lower field formations such as corps, divisions, regiments, etc.

In the case of the German Air Force (OKL), the largest formation was known as an "air fleet" (*Luftflotte*) and the lower units under the air fleet were called "corps" (*Fliegerkorps* or *Jagdkorps*) or "divisions" (*Fliegerdivisionen* or *Jagddivisionen*).

Under OKM were the various "naval group commands," which controlled all naval operations in a given area, with the exception of the operation of the high seas fleet and the submarines, which by their nature, were too mobile to be restricted to an area command. The Commanders of the fleet and submarines, and certain other specialized units, were directly subordinate to the German Admiralty.

(2) *Composition of the Group Charged as Criminal.* The group charged in the Indictment (Appendix B) as criminal comprises, first, German officers who held the top positions in the four supreme commands described above; and second, the officers who held the top field commands.

The holders of nine of the principal positions in the supreme commands are included in the group. Four of these are positions of supreme authority: the chief of the OKW, the Commander-in-Chief of the Army, the Commander-in-Chief of the Navy, and the Commander-in-Chief of the Air Force. Four other positions are those of the Chiefs of Staff to the four Commanders-in-Chief: the Chief of the Operations Staff of OKW, the Chief of the General Staff of the Army, the Chief of the General Staff of the Air Force, and the Chief of the Naval War Staff. The ninth position is that of Deputy Chief of the Operations Staff of OKW. The particular responsibility of the holder of this office was planning, and for this reason his office has been included in the group.

The group named in the Indictment comprises all individuals who held any of these nine staff positions between February 1938 and the end of the war in May 1945. February 1938 was selected as the opening date because it was in that month that the top organization of the German Armed Forces was reorganized and assumed substantially the form in which it persisted up to the end of the war. Twenty-two different individuals occupied these nine positions during that period, of whom eighteen are still living.

With regard to the officers who held the principal field commands, the Indictment includes as members of the group all Commanders-in-Chief in the field who had the status of *Oberbefehls-*

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haber in the Army, Navy, or Air Force. The term *Oberbefehlshaber* defies literal translation into English: literally the components of the word mean "over-command-holder," and it is perhaps best translated as Commander-in-Chief. In the case of the Army, commanders of army groups and armies always had the status and title of *Oberbefehlshaber*. In the Air Force, the Commander-in-Chief of air fleets always had the status of *Oberbefehlshaber*, although they were not formally so designated until 1944. In the Navy, officers holding the senior regional commands, and therefore in control of all naval operations (other than of the high seas fleet itself) in a given sector, had the status of *Oberbefehlshaber*. Roughly 110 individual officers had the status of *Oberbefehlshaber* in the Army, Navy, or Air Force during the period in question, and all but approximately a dozen of them are still alive.

The entire General Staff and High Command group as defined in the Indictment comprises about 130 officers, of whom 114 are believed still to be living. These figures are the cumulative total of all officers who at any time belonged to the group during the seven years and three months from February 1938 to May 1945. The number of active members of the group at any one time is, of course, much smaller; it rose from about 20 at the outbreak of the war to 50 in 1944 and 1945.

The structure and functioning of the German General Staff and High Command group have been described in a series of affidavits by some of the principal German field marshalls and generals. A brief description of how these statements were obtained may be helpful. In the first place two American officers, selected for ability and experience in interrogating high-ranking German prisoners of war, were briefed by an Intelligence officer and a trial counsel on the particular problems presented by this part of the case. These interrogators were already well versed in military intelligence and were able to converse fluently in German. The officer who briefed these interrogators emphasized that their function was objectively to inquire into and to establish facts on which the prosecution wishes to be accurately and surely informed; the interrogators were not to regard themselves as cross-examiners. The German officers to be interrogated were selected on the basis of the special knowledge which they could be presumed to possess by reason of positions held by them during the past generation. After each interview the interrogator prepared a report. From this report such facts as appeared relevant to the issues now before the Tribunal were extracted and a statement embodying these facts was prepared. This statement was then presented to the officer at a later interview. It was presented in the form of a draft and

the officer was asked whether it truly reproduced what he said at the previous interview. He was also invited to alter it in any way he thought fit. This careful and laborious, but necessary, process had as its object the procuring of the best possible testimony in the form of carefully considered statements.

These affidavits fully support the prosecution's description of the group, and conclusively establish that this group of officers was in fact the group which had the major responsibility for planning and directing the operations of the German Armed Forces.

The first of these affidavits is that of Franz Halder (3702-PS), who held the rank of *Generaloberst* (Colonel General), the equivalent of a four-star general in the American Army. Halder was chief of the General Staff of OKH from September 1938 to September 1942 and is, accordingly, a member of the group. His statement reads:

"Ultimate authority and responsibility for military affairs in Germany was vested in the Head of State who prior to 2 August 1934 was Field Marshall von Hindenburg and thereafter until 1945 was Adolf Hitler.

"Specialized military matters were the responsibility of the three branches of the Armed Forces subordinate to the Commander-in-Chief of the Armed Forces (at the same time Head of State), that is to say the Army, the Navy and the Air Force. In practice, supervision within this field was exercised by a relatively small group of high-ranking officers. These officers exercised such supervision in their official capacity and by virtue of their training, their positions and their mutual contacts. Plans for military operations of the German Armed Forces were prepared by members of this group according to the instructions of the OKW in the name of their respective Commanding Officers and were presented by them to the Commander-in-Chief of the Armed Forces (at the same time Head of State).

"The members of this group were charged with the responsibility of preparing for military operations within their competent fields and they actually did prepare for any such operations as were to be undertaken by troops in the field.

"Prior to any operation, members of this group were assembled and given appropriate directions by the Head of State. Examples of such meetings are the speech by Hitler to the Commanders-in-Chief on 22 August 1939 prior to the Polish campaign and the consultation at the Reich Chancellery on 14 June 1941 prior to the first Russian campaign. The com-

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position of this group and the relationship of its members to each other were as shown in the attached chart. This was in effect the General Staff and High Command of the German Armed Forces."

"(S) Halder" (3702-PS)

A substantially identical statement (3703-PS) was made by von Brauchitsch, who held the rank of Field Marshall, and who was Commander-in-Chief of the Army from 1938 to 1941. Von Brauchitsch was also, therefore, a member of the group. The only difference between the two statements is worth noting occurs in the last sentence of each. Halder states that the group described in the Indictment "was in effect the General Staff and High Command of the German Armed Forces," (3702-PS), whereas von Brauchitsch puts it a little differently, saying "in the hands of those who filled the positions shown in the chart lay the actual direction of the Armed Forces." (3703-PS)

Both von Brauchitsch and Halder have stated under oath that the General Staff chart (*Chart Number 7*) accurately portrays the top organization of the German Armed Forces. The statements by von Brauchitsch and Halder also fully support the prosecution's statement that the holders of the positions shown on this chart constitute the group in whom lay the major responsibility for the planning and execution of all Armed Forces matters.

Another affidavit by Halder (3707-PS) sets forth certain less important matters of detail:

"The most important department in the OKW was the Operations Staff—in much the same way as the General Staff was in the Army and Air Force and the Naval War Staff in the Navy. Under Keitel there were a number of departmental chiefs who were equal in status with Jodl, but in the planning and conduct of military affairs they and their departments were less important and less influential than Jodl and Jodl's staff.

"The OKW Operations Staff was also divided into sections. Of these the most important was the section of which Warlimont was chief. It was called the 'National Defense' Section and was primarily concerned with the development of strategic questions. From 1941 onwards Warlimont, though charged with the same duties, was known as Deputy Chief of the OKW Operations Staff.

"There was during World War II no unified General Staff such as the Great General Staff which operated in World War I.

"Operational matters for the Army and Air Force were

worked out by the group of high-ranking officers described in my Statement of 7 November (in the Army: 'General Staff of the Army'; in the Air Force 'General Staff of the Air Force').

"Operational matters in the Navy were even in World War I not worked out by the 'Great General Staff' but by the Naval Staff."

"(Signed) Franz Halder" (3707-PS)

This affidavit is primarily concerned with the functions of the General Staffs of the four Commanders of OKW, OKL, OKM, and OKH and fully supports the inclusion of the Chiefs of Staff of the four services in the indicted group, as well as the inclusion of Warlimont as Deputy Chief of the OKW Operations Staff, with his strategic planning responsibilities.

An affidavit (3708-PS) by the son of Field Marshal von Brauchitsch, who had the rank of *Oberst* (Colonel) in the German Air Force, and who was personal aide to Goering as Commander-in-Chief of the German Air Force, furnishes a few details on the *Luftwaffe*:

"*Luftflottenchefs* have the same status as the *Oberbefehlshaber* of an army. During the war they had no territorial authority and accordingly exercised no territorial jurisdiction.

"They were the highest troop commanders of the air force units subordinate to them and were directly under the command of the Commander-in-Chief of the Air Force.

"Until the summer of 1944 they bore the designation '*Befehlshaber*' and from then on that of '*Oberbefehlshaber*.' This change of designation carried with it no change in the functions and responsibilities which they previously had."

"(Signed) Brauchitsch" (3708-PS)

(3) *Functioning of the General Staff and High Command Group.* In many respects, the German military leaders functioned in the same general manner as obtains in the military establishments of other large nations. General plans were made by the top staff officers and their assistants at OKW, OKH, OKL, and OKM, in collaboration with the field generals or admirals who were entrusted with the execution of the plans. A decision to wage a particular campaign would be made, needless to say, at the highest level, and the making of such a decision would involve political and diplomatic questions as well as purely military considerations. When the decision was made, to attack Poland, for example, the top staff officers in Berlin and their assistants would

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work out general military plans for the campaign. These general plans would be transmitted to the Commanders of the Army groups and Armies who were to be in charge of the campaign. Consultation would follow between the top field commanders and the top staff officers at OKW and OKH, and the plans would be revised, perfected, and refined in detail.

The manner in which the group worked, involving as it did the interchange of ideas and recommendations between the top staff officers at OKW and OKH and the principal field commanders, is graphically described in two affidavits by Field Marshall von Brauchitsch (3705-PS):

"STATEMENT OF 7 NOVEMBER 1945

"In April 1939 I was instructed by Hitler to start military preparations for a possible campaign against Poland. Work was immediately begun to prepare an operational and deployment plan. This was then presented to Hitler and approved by him as amended by a change which he desired.

"After the operational and deployment orders had been given to the two Commanders of the army groups and the five Commanders of the armies, conferences took place with them about details in order to hear their desires and recommendations.

"After the outbreak of the war I continued this policy of keeping in close and constant touch with the Commanders-in-Chief of army groups and of armies by personal visits to their headquarters as well as by telephone, teletype or wireless. In this way I was able to obtain their advice and their recommendations during the conduct of military operations. In fact it was the accepted policy and common practice for the Commander-in-Chief of the Army to consult his subordinate Commanders-in-Chief and to maintain a constant exchange of ideas with them. The Commander-in-Chief of the Army and his Chief of Staff communicated with army groups and, thru them as well as directly, with armies; thru army groups on strategical and tactical matters; directly on questions affecting supply and the administration of conquered territory occupied by these armies. An army group had no territorial jurisdiction. It had a relatively small staff which was concerned only with military operations. In all territorial matters it was the Commander-in-Chief of the army and not of the army group who exercised jurisdiction.

"(Signed) von Brauchitsch" (3705-PS)

"SUPPLEMENT TO MY STATEMENT OF 7 NOVEMBER
1945

"When Hitler had made a decision to support the realization of his political objectives through military pressure or through the application of military force, the Commander-in-Chief of the Army, if he was at all involved, ordinarily first received an appropriate oral briefing or an appropriate oral command.

"Operational and deployment plans were next worked out in the OKM. After these plans had been presented to Hitler, generally by word of mouth, and had been approved by him, there followed a written order from the OKW to the three branches of the Armed Forces. In the meanwhile the OKH began to transmit the operational and deployment plans to the army groups and armies involved. Details of the operational and deployment plans were discussed by the OKH with the Commanders of the army groups and armies and with the Chiefs of Staff of these Commanders.

"During the operations the OKH maintained a constant exchange of ideas with the army groups by means of telephone, radio and courier. The Commander-in-Chief of the Army used every opportunity to maintain a personal exchange of ideas with the Commanders of army groups, armies and lower echelons by means of personal visits to them. In the war against Russia the Commanders of army groups and of armies were individually and repeatedly called in by Hitler for consultation.

"Orders for all operational matters went from the OKH to army groups and for all matters concerning supply and territorial jurisdiction from the OKH directly to the armies."

"(Signed) von Brauchitsch" (3705-PS)

The *Oberbefehlshaber* in the field, therefore—and in the case of the army that means the Commander-in-Chief of army groups and armies—participated in planning, and directed the execution of the plans. The *Oberbefehlshaber* were also the repositories of general executive power in the areas in which their army groups and armies were operating. This fact appears from a directive of 13 March 1941 signed by Keitel and issued by the Supreme Command of the Armed Forces (447-PS). This directive sets out various regulations for the impending operations against the Soviet Union (which were actually begun on 22 June 1941). Under paragraph I, is entitled "Area of operations and executive power (*Vollziehende Gewalt*)", subparagraph 1 and 2(a) provide:

"It is not contemplated to declare East Prussia and the Gen-

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eral-Gouvernement an area of operations. However, in accordance with the unpublished Fuehrer orders from 19 and 21 October 1939, the Commander in Chief of the Army shall be authorized to take all measures necessary for the execution of his military aim and for the safeguarding of the troops. He may transfer his authority onto the Commanders in Chief [*Oberbefehlshaber*] of the Army Groups and Armies. Orders of that kind have priority over all orders issued by civilian agencies."

* * * * *

"The area of operations created through the advance of the Army beyond the frontiers of the Reich and the neighboring countries is to be limited in depth as far as possible. The Commander-in-Chief of the Army has the right to exercise the executive power [*Vollziehende Gewalt*] in this area, and may transfer his authority onto the Commanders in Chief [*Oberbefehlshaber*] of the Army Groups and Armies."
(447-PS)

The official command invitation to participate in consultations at the Reich Chancellery on 14 June 1941, eight days prior to the German attack on the Soviet Union, also shows the group at work (C-78). This meeting is referred to in the last paragraph of the affidavits by Halder (3702-PS) and von Brauchitsch (3703-PS) mentioned above. This document, signed by Colonel Schmudt, Chief *Wehrmacht* Adjutant to Hitler, and is dated at Berchtesgaden, 9 June 1941, begins:

"*Re: Conference 'Barbarossa'*

"The Fuehrer and Supreme Commander of the Armed Forces has ordered reports on Barbarossa [the code name for the invasion of the U.S.S.R.] by the Commanders of Army Groups and Armies and Naval and Air Commanders of equal rank."

This document likewise includes a list of the participants in this conference which closely parallels the structure of the group as set forth in the Indictment. The list includes General Field Marshal von Brauchitsch, who was then Commander-in-Chief of the Army, and a member of the group; and General Halder, who was chief of the Army Staff, and a member of the group. Then there are three subordinates who were not members of the group: Paulus, Heusinger, and Gyldenfeldt. Next is navy Captain Wagner, who was chief of the Operations Staff, Operations Division of the Naval War Staff, not a member of the group. On the air side there were General Milch, State Secretary and Inspector of the Air Force, again not a member of the group; General Joschonnek, chief of the General Staff of the Air Force and a member of the group;

and two of his assistants. Passing to the OKW, High Command of the Armed Forces, we find that Keitel, Jodl, Warlimont, all members of the group, were present, with an assistant from the General Staff. Then there were four officers from the office of the adjutant, who were not members of the group. Present from the Field Commanders were General von Falkenhorst, Army High Command, Norway, member of the group; General Stumpff, Air Fleet 5, member of the group; Rundstedt, Reichenau, Stuelpnagel, Schobert, Kleist, all from the Army, all members of the group. Of the Air Force officers present, General Loehr, Air Fleet 4, was a member of the group; General Fromm and General Udet were not members. One was director of the Home Forces, commander of the Home Forces, and the other the Director General of Equipment and Supply. Turning to the Navy, those present were Raeder, a member of the group; Fricke, chief of the Naval War Staff, and a member of the group; and an assistant who was not a member, Carls, Navy Group North, member of the group, and likewise Schmudt were present. Then from the Army, Leeb, Busch, Kuechler, all members of the group as *Oberbefehlshaber*, and Keller, a member of the group, were present. Also Bock, Kluge, Strauss, Guderian, Hoth, Kesselring, all members of the group, were present. It will be seen that, except for a few assisting officers of relatively junior rank, all the participants in these consultations were members of the group, and that in fact the participants in these consultations included the members of the group who were concerned in the impending operations against the Soviet Union.

B. Criminal Activities of the General Staff and High Command Group.

The General Staff and High Command group is well represented among the individual defendants in this case. It must be kept in mind that this group may be declared criminal in connection with any act of which an individual defendant who is a member of the group may be convicted (Charter, Article 9). Five of the individual defendants, or one-quarter of the total number accused, are members of this group.

In the order of listing in the indictments, the first is Goering. Goering is a defendant in this case in numerous capacities. He is a member of the General Staff and High Command group by reason of having been the Commander-in-Chief of the Air Force from the time when the Air Force first came into the open, and was officially established, until about a month prior to the end of the war. During the last month of the war he was replaced in

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this capacity by von Greim, who committed suicide shortly after his capture at the end of the war. Goering is charged with crimes under all counts of the Indictment.

The next listed defendant who is a member of the group is Keitel. He and the remaining three defendants who are members of the group are all four in this case primarily or solely in their military capacities, and all four of them were professional soldiers or sailors. Keitel was made the chief of the High Command of the German Armed Forces (OKW) when the OKW was first set up in 1938, and remained in that capacity throughout the period in question. He held the rank of Field Marshall throughout most of this period, and in addition to being the Chief of OKW, he was a member of the Secret Cabinet Council and of the Council of Ministers for the Defense of the Reich. Keitel is charged with crimes under all four counts of the Indictment.

The defendant Jodl was a career soldier; he was an *Oberstleutnant* (Lieutenant Colonel) when the Nazis came to power, and ultimately attained the rank of *Generaloberst* (Colonel General). He became the Chief of the Operations Staff of the *Wehrmacht*, and continued in that capacity throughout the war. He also is charged with crimes under all four counts of the Indictment.

The defendant Raeder is in a sense the senior member of the entire group, having been Commander-in-Chief of the German Navy as early as 1928. He attained the highest rank in the German Navy, *Grossadmiral*, and in addition to being Commander-in-Chief of the Navy he was a member of the Secret Cabinet Council. He retired from Supreme Command of the Navy in January 1943, and was replaced by Doenitz. Raeder is charged with crimes under counts 1, 2, and 3 of the Indictment.

The last of these five defendants, Doenitz, was a relatively junior officer when the Nazis came to power. During the early years of the Nazi regime he specialized in submarine activities and was in command of the U-boat arm when the war broke out. He rose steadily in the Navy and was chosen to succeed Raeder when the latter retired in 1943. Doenitz then became Commander-in-Chief of the Navy and attained the rank of *Grossadmiral*. When the German Armed Forces collapsed near the end of the war, Doenitz succeeded Hitler as head of the German government. He is charged with crimes under counts 1, 2, and 3 of the Indictment.

Four of these five defendants are reasonably typical of the group as a whole. Goering is an exception: he is primarily a Nazi party politician nourishing a hobby for aviation as a result of his career in 1914-18. But the others made soldiering or sailing their life work. They collaborated with and joined in the most important

adventures of the Nazis, but they were not among the early party members. They differ in no essential respect from the other 125 odd members of the group. They are, no doubt, abler men in certain respects than some of the other members, as they rose to the highest positions in the German Armed Forces, and all but Jodl attained the highest rank. But they are generally representative of the group, and their expressed ideas and actions are fairly characteristic of those of the other group members.

It is not, of course, the prosecution's position, and it is not essential to its case, that all 130 members of this group, (or all the members of any other organization or group named in the Indictment), actually committed crimes, under Article 6 of the Charter. It is the prosecution's position that the leadership of the group and the purposes to which the group was committed by the leaders were criminal under Article 6. The individual defendants were among the leaders of the General Staff and High Command group, and, acting in the official capacities which made them members of the group, they performed and participated in acts which are criminal under Article 6 of the Charter. Other members of the group performed such acts. The German Armed Forces were so completely under the group's control as to make the group responsible for their activities under the last sentence of Article 6 of the Charter.

(1) *The Planning and Launching of Wars of Aggression.* It is, of course, the normal function of a military staff to prepare military plans. In peacetime, military staffs customarily concern themselves with the preparation of plans of attack or defense based on hypothetical contingencies. There is nothing criminal about carrying on such exercises or preparing such plans. That is not what these defendants and this group are charged with.

This group agreed with the Nazi objective of aggrandizing Germany by force or threat of force. They joined knowingly and enthusiastically in developing German armed might for this criminal purpose. They joined knowingly and willfully in initiating and waging aggressive wars. They were advised in advance of the Nazi plans to launch aggressive wars. They laid the military plans and directed the initiation and carrying on of the wars. These things are criminal under article 6 of the Charter.

Aggressive war cannot be prepared and waged without intense activity on the part of all branches of the Armed Forces and particularly by the high-ranking officers who control such forces. To the extent, therefore, that German preparations for and waging of aggressive war are historical facts of common knowledge, or are proved, it necessarily follows that the General Staff and High

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Command group, and the German Armed Forces, participated therein.

This is so notwithstanding the effort on the part of certain military leaders of Germany, after defeat, to insist that until the troops marched they lived in an ivory tower of military technicalities, unable or unwilling to observe the end to which their work led. The documentary evidence which follows fully refutes any such contentions.

The purposes and objectives of the German General Staff and High Command group during the period prior to the absorption of Austria may be summarized as follows:

- (i) Secret rearmament, including the training of military personnel, the production of war munitions, and the building of an air force;
- (ii) The creation of a military air force, announced by Goering on 10 March 1935;
- (iii) The law for compulsory military service, of 16 March 1935, fixing the peace-time strength of the German Army at 500,000; and
- (iv) The reoccupation of the Rhineland on 7 March 1936 and the refortification of that area.

These events are historical facts not requiring proof. Likewise, the impossibility of the Nazis' achieving these ends without cooperation by the Armed Forces is indisputable from the very nature of things.

Events and circumstances during the period 1933-36 are discussed in Section 2 of Chapter IX. Chief among these were the secret expansion of the German Navy in violation of treaty limitations, under the guidance of Raeder; the secret Reich Defense Law of 21 May 1935, adopted the same day that Germany unilaterally renounced the armament provision of the Versailles Treaty (2261-PS); von Blomberg's plan, 2 May 1935, for the reoccupation of the Rhineland (C-139); and von Blomberg's orders of 2 March 1936 under which the reoccupation was actually carried out (C-159). All these events clearly required the closest collaboration between the military leaders and the Nazis.

The state of mind and objectives of the German military leaders during this early period are significant. The viewpoint of the German Navy on the opportunities which Naziism offered for rearmament so that Germany could achieve its objectives by force or threat of force, is reflected in a memorandum published by the High Command of the German Navy in 1937 entitled "The Fight of the Navy against Versailles, 1919-35" (C-156). This memorandum was compiled by a naval captain named Schuessler in the

German Admiralty. The preface contains the following statements:

"The object and aim of this memorandum is to draw a technically reliable picture based on documentary records and the evidence of those who took part, of the fight of the Navy against the unbearable regulations of the Peace Treaty of Versailles."

* * * * *

"This compilation makes it clearer however, that even such ideal and ambitious plans can be realized only to a small degree if the concentrated and united strength of the whole people is not behind the courageous activity of the soldier. Only when the Fuehrer had created the second and even more important condition for an effective rearmament, in the co-ordination of the whole nation and in the fusion of the political, financial and spiritual powers, could the work of the soldier find its fulfilment.

"The framework of this Peace Treaty, the most shameful known in world history, collapsed under the driving power of this united will." (C-156)

Thus, the German Navy and the Nazis were in comradely agreement and full collaboration. Hitler was giving the military leaders the chance they wanted. Jodl stated the situation clearly in his speech to the Gauleiters on 7 November 1943 (L-172):

"1. The fact that the National-Socialist movement and its struggle for internal power were the preparatory stage of the outer liberation from the bonds of the Dictate of Versailles is not one on which I need enlarge in this circle. I should like however to mention at this point how clearly all thoughtful regular soldiers realize what an important part has been played by the National-Socialist movement in re-awakening the will to fight [*Wehrwillen*] in nurturing fighting strength [*Wehrkraft*] and in rearming the German people. In spite of all the virtue inherent in it, the numerically small *Reichswehr* would never have been able to cope with this task, if only because of its own restricted radius of action. Indeed, what the Fuehrer aimed at—and has so happily been successful in bringing about—was the fusion of these two forces.

"2. The seizure of power in its turn has meant in the first place restoration of fighting sovereignty [*Wehrhoheit*] (conscription, occupation of the Rhineland) and rearmament with special emphasis being laid on the creation of a modern armoured and air arm." (L-172)

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Nor were the high-ranking German officers unaware that the policies and objectives of the Nazis were leading Germany in the direction of war. Notes made by Admiral Carls of the German Navy in September 1938 by way of comment on a "Draft study of Naval Warfare against England," read as follows:

"A. There is full agreement with the main theme of the study.

"1. If according to the Fuehrer's decision Germany is to acquire a position as a world power she needs not only sufficient colonial possessions but also secure naval communications and secure access to the ocean.

"2. Both requirements can only be fulfilled in opposition to Anglo-French interests and would limit their position as world powers. It is unlikely that they can be achieved by peaceful means. The decision to make Germany a world power therefore forces upon us the necessity of making the corresponding preparations for war.

"3. War against England means at the same time war against the Empire, against France, probably against Russia as well and a large number of countries overseas, in fact against one-half to one-third of the whole world.

"It can only be justified and have a chance of success if it is prepared *economically* as well as *politically* and *militarily* and waged with the aim of conquering for Germany an outlet to the ocean." (C-23)

The German Air Force, during this prewar period, was developing even more radically aggressive plans for the aggrandizement of the Reich. A study prepared by the chief, Kammhuber, of a branch of the General Staff of the Air Force, called the "Organization Staff", contained recommendations for the organization of the German Air Force in future years up to 1950 (L-43). The recommendations are based on certain assumptions, one of which was that by 1950 the frontiers of Germany would be as shown on the map which is attached as an inclosure to this study (*Chart Number 10*). On this map Austria, Czechoslovakia, Hungary, Poland, and the Baltic coast up to the Gulf of Finland are all included within the borders of the Reich. Kammhuber also envisaged the future peacetime organization of the German Air Force as comprising seven "Group Commands." Four of these were to lie within the borders of Germany proper, at Berlin, Brunswick, Munich, and Koenigsberg, but the three others are proposed to be at Vienna, Budapest, and Warsaw. (L-43)

The basic agreement and harmony between the Nazis and the German military leaders cannot be overemphasized. Without this agreement on objectives there might never have been a war. In

this connection, an affidavit (3704-PS) by von Blomberg, formerly Field Marshall, Reich War Minister, and Commander-in-Chief of the German Armed Forces until February 1938, is significant:

"From 1919, and particularly from 1924, three critical territorial questions occupied attention in Germany. These were the questions of the Polish Corridor, the Ruhr and Memel.

"I myself, as well as the whole group of German staff officers, believed that these three questions, outstanding among which was the question of the Polish Corridor, would have to be settled some day, if necessary by force of arms. About ninety percent of the German people were of the same mind as the officers on the Polish question. A war to wipe out the desecration involved in the creation of the Polish Corridor and to lessen the threat to separated East Prussia surrounded by Poland and Lithuania was regarded as a sacred duty though a sad necessity. This was one of the chief reasons behind the partially secret rearmament which began about ten years before Hitler came to power and was accentuated under Nazi rule.

"Before 1938-1939 the German generals were not opposed to Hitler. There was no reason to oppose Hitler since he produced the results which they desired. After this time some generals began to condemn his methods and lost confidence in the power of his judgment. However they failed as a group to take any definite stand against him, although a few of them tried to do so and as a result had to pay for this with their lives or their positions.

"Shortly before my removal from the post of Commander-in-Chief of the Armed Forces in January 1938, Hitler asked me to recommend a successor. I suggested Goering, who was the ranking officer, but Hitler objected because of his lack of patience and diligence. I was replaced as Commander-in-Chief of the Armed Forces by no officer, but Hitler personally took over my function as Commander. Keitel was recommended by me as a Chef de bureau. As far as I know he was never named Commander of the Armed Forces but was always merely a 'Chief of Staff' under Hitler and in effect conducted the administrative functions of the Ministry of War. At my time Keitel was not opposed to Hitler and therefore was qualified to bring about a good understanding between Hitler and the Armed Forces, a thing which I myself desired and had furthered as *Reichswehrminister* and *Reichskriegminister*. To do the opposite would have led to a civil war, for at that

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time the mass of the German people supported Hitler. Many are no longer willing to admit this. But it is the truth.

"As I heard, Keitel did not oppose any of Hitler's measures. He became a willing tool in Hitler's hands for every one of his decisions.

"He did not measure up to what might have been expected of him." (3704-PS)

This statement by von Blomberg is paralleled closely in some respects by an affidavit by Colonel General Blaskowitz (3706-PS). Blaskowitz commanded an army in the campaign against Poland and the campaign against France. He subsequently took command of Army Group G in southern France, and held command of Army Group H, which retreated beyond the Rhine at the end of the war. His statement is as follows:

"* * * After the annexation of Czechoslovakia we hoped that the Polish question would be settled in a peaceful fashion through diplomatic means, since we believed that this time France and England would come to the assistance of their ally. As a matter of fact we felt that, if political negotiations came to naught, the Polish question would unavoidably lead to war, that is, not only with Poland herself, but also with the Western Powers.

"When in the middle of June I received an order from the OKH to prepare myself for an attack on Poland, I knew that this war came even closer to the realm of possibility. This conclusion was only strengthened by the Fuehrer's speech on 22 August 1939 on the Obersalzberg when it clearly seemed to be an actuality. Between the middle of June 1939 and 1 September 1939 the members of my staff who were engaged in preparations, participated in various discussions which went on between the OKH and the army group. During these discussions such matters of a tactical, strategic and general nature were discussed as had to do with my future position as Commander-in-Chief of the Eighth Army during the planned Polish campaign.

"During the Polish campaign, particularly during the Kutno operations, I was repeatedly in communication with the Commander-in-Chief of the Army, and he, as well as the Fuehrer, visited my headquarters. In fact it was common practice for commanders-in-chief of army groups and of armies to be asked from time to time for estimates of the situation and for their recommendations by telephone, teletype or wireless, as well as by personal calls. These front commanders-in-chief thus actually became advisers to the OKH in their own field

so that the positions shown in the attached chart embrace that group which was the actual advisory council of the High Command of the German Armed Forces." (3706-PS)

It should be noted that General Blaskowitz, like Colonel General Halder and Field Marshall von Brauchitsch, vouches for the accuracy of the structure and organization of the General Staff and High Command group as described by the prosecution.

It is, accordingly, clear beyond dispute that the military leaders of Germany knew of, approved, supported, and executed plans for the expansion of the Armed Forces beyond the limits set by treaties. The objectives they had in mind are obvious from the affidavits and documents to which reference has been made. In these documents and affidavits we see the Nazis and the Generals in agreement upon the basic objective of aggrandizing Germany by force or threat of force, and collaborating to build up the armed might of Germany in order to make possible the subsequent acts of aggression.

(a) *Austria*. Notes taken by Colonel Hossbach of a conference held in the Reich Chancellery in Berlin on 5 November 1937 show that this conference, at which Hitler presided, was small and highly secret (386-PS). The only other participants were the four principal military leaders, the Minister of Foreign Affairs (von Neurath), and Hossbach acting as Secretary. The four chief leaders of the Armed Forces—Blomberg, who was then Reich Minister for War, and the Commanders-in-Chief of the three branches of the Armed Forces, von Fritsch for the Army, Raeder for the Navy, and Goering for the Air Force—were present. Hitler embarked on a general discussion of Germany's diplomatic and military policy, and stated that the conquest of Austria and Czechoslovakia was an essential preliminary "for the improvement of our military position" and "in order to remove any threat from the flanks". (386-PS)

The military and political advantages envisaged included the acquisition of a new source of food, shorter and better frontiers, the release of troops for other tasks, and the possibility of forming new divisions from the population of the conquered territories. Von Blomberg and von Fritsch joined in the discussion and von Fritsch stated:

"That it was the purpose of a study which he had laid on for this winter to investigate the possibilities of carrying out operations against Czechoslovakia with special consideration of the conquest of the Czechoslovakian system of fortifications" (386-PS).

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In the following Spring, March 1938, the German plans with respect to Austria came to fruition. Entries in the diary kept by Jodl show the participation of the German military leaders in the absorption of Austria (1780-PS). As is shown by Jodl's diary entry for 11 February 1938, Keitel and other generals were present at the Obersalzberg meeting between Schuschnigg and Hitler:

"11 February

"In the evening and on 12 February General K. with General V. Reichenau and Sperrle at the Obersalzberg. Schuschnigg together with G. Schmidt are again being put under heaviest political and military pressure. At 2300 hours Schuschnigg signs protocol". (1780-PS)

Two days later Keitel and others were preparing proposals to be submitted to Hitler which would give the Austrian government the impression that Germany would resort to force unless the Schuschnigg agreement was ratified in Vienna:

"13 February

"In the afternoon General K. asks Admiral C. and myself to come to his apartment. He tells us that the Fuehrer order is to the effect that military pressure by shamming military action should be kept up until the 15th. Proposals for these deceptive maneuvers are drafted and submitted to the Fuehrer by telephone for approval". (1780-PS)

These proposals are embodied in a document 14 February 1938 and signed by Keitel (1775-PS). Portions of Keitel's proposals to the Fuehrer are as follows:

"1. To take no real preparatory measures in the Army or Luftwaffe. No troop movements or redeployments.

"2. Spread false, but quite credible news, which may lead to the conclusion of military preparations against Austria,

"a. through V-men (*V-Maenner*) in Austria,

"b. through our customs personnel (staff) at the frontier,

"c. through travelling agents."

* * * * *

"4. Order a very active make-believe wireless exchange in *Wehrkreis VII* and between Berlin and Munich.

"5. Real maneuvers, training flights, and winter maneuvers of the Mountain Troops near the frontier.

"6. Admiral Canaris has to be ready beginning on February 14th. in the Service Command Headquarters in order to carry out measures given by order of the Chief of the OKW."

(1775-PS)

As Jodl's diary entry for 14 February shows, these deceptive maneuvers and threats of force were very effective in Austria:

"The effect is quick and strong. In Austria the impression is created that Germany is undertaking serious military preparations." (1780-PS)

About a month later armed intervention was precipitated by Schuschnigg's decision to hold a plebiscite in Austria. Hitler ordered mobilization in accordance with the preexisting plans for the invasion of Austria (these plans were known as "Case Otto") in order to absorb Austria and stop the plebiscite. Jodl's diary entry for 10 March 1938 states:

"By surprise and without consulting the ministers, Schuschnigg ordered a plebiscite for Sunday, 13 March, which should bring strong majority for the Legitimists in the absence of plan or preparation.

"Fuehrer is determined not to tolerate it. The same night, March 9 to 10, he calls for Goering, General V. Reichenau is called back from Cairo Olympic Committee. General V. Schobert is ordered to come, as well as Minister Glaise Horstenau, who is with the District Leader [*Gauleiter*] Burckel in the Palatinate. General Keitel communicates the facts at 1:45. He drives to the Reichskanzlei at 10 o'clock. I follow at 10:15, according to the wish of General V. Viebahn, to give him the old draft.

'Prepare case Otto'." (1780-PS)

In an order 11 March, initialed by Keitel and Jodl, Hitler laid down the general instructions for the invasion, and directed that the Army and Air Force be ready for action by 12 March (C-102). On the same evening Hitler ordered the invasion of Austria to commence at daybreak on 12 March. The order was initialed by Jodl. (C-182)

The invasion of Austria differs from the other German acts of aggression in that the invasion was not closely scheduled and timed in advance. This was so simple because the invasion was precipitated by an outside event, Schuschnigg's order for the plebiscite. But although for this reason the element of deliberately timed planning was lacking, the foregoing documents make abundantly clear the participation of the military leaders at all stages. At the small policy meeting in November 1937, when Hitler's general program for Austria and Czechoslovakia was outlined, the only others present were the four principal military leaders and the Foreign Secretary (386-PS). In February, Keitel, Reichenau, and Sperrle were present at Obersalzberg to help subject Schuschnigg to "the heaviest military pressure" (1780-PS). Keitel and others immediately thereafter worked out and executed a program of military threat and deception for frightening the

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Austrian Government into acceptance of the Schuschnigg protocol (1775-PS). When the actual invasion took place it was, of course, directed by the military leaders and executed by the German Armed Forces. Jodl has given a clear statement of why the German military leaders were delighted to join with the Nazis in bringing about the end of Austrian independence. In his lecture to the Gauleiters in November 1943 (L-172) Jodl explained:

"The Austrian 'Anschluss', in its turn, brought with it not only fulfilment of an old national aim but also had the effect both of reinforcing our fighting strength and of materially improving our strategic position. Whereas up till then the territory of Czechoslovakia had projected in a most menacing way right into Germany (a wasp waist in the direction of France and an air base for the Allies, in particular Russia), Czechoslovakia herself was now enclosed by pincers. Its own strategic position had now become so unfavorable that she was bound to fall a victim to any attack pressed home with vigour before effective aid from the West could be expected to arrive". (L-172)

(b) *Czechoslovakia.*

The steps in the planning for the invasion of Czechoslovakia ("Case Green" or Fall Gruen) bear the evidence of knowing and wilful participation by Keitel, Jodl, and other members of the General Staff and High Command Group.

The Hossbach minutes of the conference between Hitler and the four principal German military leaders on 5 November 1937 show that Austria and Czechoslovakia were then listed as the first intended victims of German aggression (386-PS). After the absorption of Austria in March 1938, Hitler as head of the State and Keitel as Chief of all the armed forces lost no time in turning their attention to Czechoslovakia. In the Hitler-Keitel discussions on 21 April 1938 a nice balance of political and military factors was worked out (388-PS):

"A. Political Aspect

1. Strategic surprise attack out of a clear sky without any cause or possibility of justification has been turned down. As result would be: hostile world opinion which can lead to a critical situation. Such a measure is justified only for the elimination of the last opponent on the mainland.

2. Action after a time of diplomatic clashes, which gradually come to a crisis and lead to war.

3. Lightning-swift action as the result of an incident (e.g. assassination of German ambassador in connection with an anti-German demonstration).

B. *Military Conclusions*

1. The preparations are to be made for the political possibilities 2 and 3. Case 2 is the undesired one since "Gruen" will have taken security measures.

* * * * *

4. Politically, the first 4 days of military action are the decisive ones. If there are no effective military successes, a European crisis will certainly arise. Accomplished facts must prove the senselessness of foreign military intervention, draw Allies into the scheme (division of spoils!) and demoralize "Gruen".

Therefore: bridging the time gap between first penetration and employment of the forces to be brought up, by a determined and ruthless thrust by a motorized army. (e.g. via Pi past Pr) [Pilsen, Prague]. (388-PS)

From this point on, nearly the whole story is contained in the Schmundt file (388-PS) and in Jodl's diary (1780-PS). These two sources of information demolish in advance what will, no doubt, be urged in defense of the military defendants and the General Staff and High Command Group. They will seek to create the impression that the German generals were pure military technicians; that they were uninterested and uninformed about political and diplomatic considerations and events; that they passed their days mounting mock battles at the *Kriegsakademie*; that they prepared plans for military attack or defense on a purely hypothetical basis. They will say all this in order to suggest that they did not share and could not estimate Hitler's aggressive intentions, and that they carried out politically conceived orders like military automatons, with no idea whether the wars they launched and waged were aggressive or not.

If these arguments are made, the Schmundt file (388-PS) and Jodl's diary (1780-PS) make it abundantly apparent that aggressive designs were conceived jointly between the Nazis and the generals; that the military leaders were fully posted on the aggressive intentions of the Nazis; that they were fully informed of political and diplomatic developments; that indeed German generals had a habit of turning up at diplomatic gatherings.

If the documents did not show these things so clearly, a moment's thought must show them to be true. A highly successful program of conquest depends on armed might, and cannot be executed with an unprepared, weak, or recalcitrant military leadership. It has, of course, been said that war is too important a business to be left to soldiers alone. It is equally true that aggressive diplomacy is far too dangerous a business to be conducted without military advice and military support.

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No doubt some of the German generals had qualms about Hitler's timing and the boldness of some of his moves. Some of these doubts are rather amusingly reflected in an entry in Jodl's diary for 10 August 1938:

"The Army chiefs and the chiefs of the Air Force groups, Lt. Col. Jeschonnek and myself are ordered to the Berghof. After dinner the Fuehrer makes a speech lasting for almost three hours, in which he develops his political thoughts. The subsequent attempts to draw the Fuehrer's attention to the defects of our preparation, which are undertaken by a few generals of the Army, are rather unfortunate. This applies especially to the remark of General Wietersheim, in which to top it off he claims to quote from General Adams [*die er noch dazu dem General Adams in den Mund legt*] that the western fortifications can only be held for three weeks. The Fuehrer becomes very indignant and flames up, bursting into the remark that in such a case the whole Army would not be good for anything. 'I assure you, General, the position will not only be held for three weeks, but for three years.' The cause of this despondent opinion, which unfortunately enough is held very widely within the Army General Staff, is based on various reasons. First of all, it [the General Staff] is restrained by old memories; political considerations play a part as well, instead of obeying and executing its military mission. That is certainly done with traditional devotion, but the vigor of the soul is lacking because in the end they do not believe in the genius of the Fuehrer. And one does perhaps compare him with Charles XII. And since water flows downhill, this defeatism may not only possibly cause immense political damage, for the opposition between the General's opinion and that of the Fuehrer is common talk, but may also constitute a danger for the morale of the troops. But I have no doubt that [?] the Fuehrer will be able to boost the morale of the people in an unexpected way when the right moment comes." (1780-PS)

But if this entry shows that some of the German generals at that time were cautious with respect to Germany's ability to take on Poland and the Western Powers simultaneously, nonetheless the entry shows no lack of sympathy with the Nazi aims for conquest. And there is no evidence in Jodl's diary or elsewhere that any substantial number of German generals lacked sympathy with Hitler's objectives. Furthermore, the top military leaders always joined with and supported his decisions, with formidable success in the years from 1938 to 1942.

If it is said that German military leaders did not know that German general policy toward Czechoslovakia was aggressive, or based on force and threat of force, it may be noted that on 30 May 1938 Hitler signed a Most Secret directive to Keitel (388-PS Item 11) in which he said:

"It is my unalterable decision to smash Czechoslovakia by military action in the near future. It is the job of the political leaders to await or bring about the politically and militarily suitable moment.

"An inevitable development of conditions inside Czechoslovakia or other political events in Europe creating a surprisingly favorable opportunity and one which may never come again may cause me to take early action.

"The proper choice and determined and full utilization of a favorable moment is the surest guarantee of success. Accordingly the preparations are to be made at once." (388-PS Item 11)

Jodl was in no doubt what this meant. He noted in his diary that same day:

"The Fuehrer signs directive 'Green', where he states his final decision to destroy Czechoslovakia soon and thereby initiates military preparation all along the line". (1780-PS)

The succeeding evidence in the Schmundt file (388-PS Items 14, 16, 17) and in the Jodl diary (1780-PS) shows how those military preparations went forward "all along the line." Numerous examples of discussions, planning, and preparation during the last few weeks before the Munich Pact, including discussions with Hungary and the Hungarian General Staff in which General Halder participated, are contained in the Jodl diary (1780-PS) and the later items in the Schmundt file (388-PS Items 18 to 22, 24, 26 to 28, 31 to 34, 36 to 54-PS). The day the Munich Pact was signed, Jodl noted in his diary:

"The Munich Pact is signed. Czechoslovakia as a power is out. Four zones as set forth will be occupied between the 2nd and 7th of October. The remaining part of mainly German character will be occupied by the 10th of October. The genius of the Fuehrer and his determination not to shun even a World War have again won the victory without the use of force. The hope remains that the incredulous, the weak and the doubtful people have been converted and will remain that way." (1780-PS)

Plans for the "liquidation" of the remainder of Czechoslovakia were made soon after Munich (388-PS Item 40; C-136; C-138). Ultimately the absorption was accomplished by diplomatic bullying

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in which Keitel participated for the usual purposes of demonstrating that German armed might was ready to enforce the threats (2802-PS). Once again, Jodl in his 1943 lecture (L-172) explained clearly why the objective of eliminating Czechoslovakia lay as close to the hearts of the German military leaders as to the hearts of the Nazis:

"The bloodless solution of the Czech conflict in the autumn of 1938 and spring of 1939 and the annexation of Slovakia rounded off the territory of Greater Germany in such a way that it then became possible to consider the Polish problem on the basis of more or less favorable strategic premises." (L-172)

This serves to recall the affidavits by Blomberg (3704-PS) and Blaskowitz (3706-PS) already quoted:

"The whole group of German staff and front officers believed that the question of the Polish Corridor would have to be settled some day, if necessary by force of arms."

"A war to wipe out the political and economic losses resulting from the creation of the Polish Corridor was regarded as a sacred duty though a sad necessity."

"Before 1938-39, the German generals were not opposed to Hitler."

"Hitler produced the results which all of us warmly desired."

(c) *Poland*. The story of the German attack on Poland furnishes an excellent case study of the functioning of the General Staff and High Command Group.

Reference is made to the series of directives from Hitler and Keitel involving "Fall Weiss" (C-120). The series starts with a re-issuance of the "Directive for the Uniform Preparation for War by the Armed Forces". This periodically re-issued directive was encountered previously in the case of Czechoslovakia.

In essence these directives are (a) statements of what the Armed Forces must be prepared to accomplish in view of political and diplomatic policies and developments, and (b) indications of what should be accomplished diplomatically in order to make the military tasks easier and the chances of success greater. They constitute, in fact, a fusion of diplomatic and military thought and strongly demonstrate the mutual inter-dependence of aggressive diplomacy and military planning. The distribution of these documents early in April 1939, in which the preparations of plans for the Polish war is ordered, was limited. Five copies only are distributed by Keitel: one to Brauchitsch (OKH), one to Raeder (OKM), one to Goering (OKL), and two to Warlimont in the Planning Branch of OKW. Hitler lays down that the plan must

be susceptible of execution by 1 September 1939, and that target date was adhered to. The fusion of military and diplomatic thought is clearly brought out by the following part of one of those documents:

"1. *Political Requirements and Aims.* German relations with Poland continue to be based on the principle of avoiding any quarrels. Should Poland, however, change her policy towards Germany, based up to now on the same principles as our own, and adopt a threatening attitude towards Germany, a final settlement might become necessary, notwithstanding the pact in effect with Poland.

"The aim then will be to destroy Polish military strength, and create in the East a situation which satisfies the requirements of national defense. The Free State of Danzig will be proclaimed a part of the Reich-territory at the outbreak of the conflict, at the latest.

"The political leadership considers it its task in this case to isolate Poland if possible, that is to say, to limit the war to Poland only.

"The development of increasing internal crises in France and the resulting British cautiousness might produce such a situation in the not too distant future.

"Intervention by Russia so far as she would be able to do this cannot be expected to be of any use for Poland, because this would imply Poland's destruction by Bolshevism.

"The attitudes of the *Baltic States* will be determined wholly by German military exigencies.

"On the German side, Hungary cannot be considered a certain German ally. Italy's attitude is determined by the Berlin-Rome Axis.

"2. *Military Conclusions.* The great objectives in the building up of the German Armed Forces will continue to be determined by the antagonism of the 'Western Democracies'. 'Fall Weiss' constitutes only a precautionary complement to these preparations. It is not to be looked upon in any way, however, as the necessary prerequisite for a military settlement with the Western opponents.

"The isolation of Poland will be more easily maintained, even after the beginning of operations, if we succeed in starting the war with heavy, sudden blows and in gaining rapid successes.

"The entire situation will require, however, that precautions be taken to safeguard the western boundary and the German North Sea coast, as well as the air over them." (C-120)

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It cannot be suggested that these are hypothetical plans, or that the General Staff and High Command Group did not know what was in prospect. The plans show on their face that they are in earnest and no war game. The point is reinforced by Schmundt's notes on the conference in Hitler's study at the Reich Chancellery, Berlin, on 23 May 1939 (*L-79*). At this conference Hitler announced:

"There is, therefore, no question of sparing Poland, and we are left with the decision: *to attack Poland at the first suitable opportunity*". (*L-79*)

Besides Hitler and a few military aides and adjutants, the following were present: Goering (C-in-C *Luftwaffe*); Raeder (C-in-C Navy); Keitel (Chief, OKW); von Brauchitsch (C-in-C Army); Col. General Milch (Inspector General of the *Luftwaffe*); Gen. Bodenschatz (Goering's personal assistant); Rear Admiral Schnievinde (Chief of the Naval War Staff); Col. Jeschonnek (Chief of the Air Staff); Col. Warlimont (Planning Staff of OKW). All except Milch, Bodenschatz, and the adjutants are members of the Group as defined in the Indictment.

The initial and general planning of the attack on Poland, however, had to be examined, checked, corrected, and perfected by the field commanders who were to carry out the attack. In a document issued in the middle of June 1939 (*C-142*), von Brauchitsch as C-in-C of the Army passed on the general outlines of the plan to the field commanders-in-chief (the *Oberbefehlshaber* of Army Groups and Armies) so that they could work out the actual preparation and deployments in accordance with the general plan:

"The object of the operation is to *destroy the Polish Armed Forces*. High policy demands that the war should be begun by heavy surprise blows in order to achieve quick results. *The intention of the Army High Command* is to prevent a regular mobilization and concentration of the Polish Army by a surprise invasion of Polish territory and to destroy the mass of the Polish Army which is to be expected to be west of the Vistula-Narve line. This is to be achieved by a concentric attack from Silesia on one side and Pomerania-East Prussia on the other side. The possible influence from Galicia against this operation must be eliminated. The main idea of the destruction of the Polish Army west of the Vistula-Narve Line with the elimination of the possible influence from Galicia remains unchanged even if advanced preparedness for defense on the part of the Polish Army, caused by previous political tension, should have to be taken into consideration. In such a case it may be a question of not making the first attack

mainly with mechanized and motorized forces but of waiting for the arrival of stronger, non-motorized units. The Army High Command will then give the correspondingly later time for the crossing of the frontier. The endeavour to obtain a quick success will be maintained.

"The Army Group Commands and the Army Commands (A.O.K.) will make their preparations on the basis of surprise of the enemy. There will be alterations necessary if surprise should have to be abandoned: these will have to be developed simply and quickly on the same basis: they are to be prepared mentally to such an extent, that in case of an order from the Army High Command they can be carried out quickly."
(C-142)

A document of approximately the same date reveals an *Oberbefehlshaber* at work in the field planning the attack (2327-PS). This document, signed by Blaskowitz, at the time the commander-in-chief of the Third Army Area Command and commander-in-chief of the 8th Army during the Polish campaign, states in part:

"The commander-in-chief of the army has ordered the working out of a *plan of deployment against Poland* which takes in account the demands of the political leadership for the opening of war by surprise and for quick success.

"The order of deployment by the High Command, '*Fall Weiss*' authorizes the Third Army Group [in *Fall Weiss*, 8th Army Headquarters] to give necessary directions and orders to all commands subordinated to it for '*Fall Weiss*'."

* * * * *

"The whole correspondence on '*Fall Weiss*' has to be conducted under the classification Top Secret [*Chefsache*]. This is to be disregarded only if the content of a document, in the judgment of the chief of the responsible command is harmless in every way—even in connection with other documents.

"For the middle of July a conference is planned where details on the execution will be discussed. Time and place will be ordered later on. Special requests are to be communicated to Third Army Group before 10 July.

"I declare it the duty of the Commanding Generals, the divisional commanders and the commandants to limit as much as possible the number of persons who will be informed, and to limit the extent of the information and ask that all suitable measures be taken to prevent persons not concerned from getting information.

"The Commander-in-Chief of Army Area Command
"(signed) F. Blaskowitz."

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"Aims of Operation 'Fall Weiss'

"1. a. The operation, in order to forestall an orderly Polish mobilization and concentration, is to be opened by surprise with forces which are for the most part armored and motorized, placed on alert in the neighborhood of the border. The initial superiority over the Polish frontier-guards and surprise that can be expected with certainty are to be maintained by quickly bringing up other parts of the army as well to counteract the marching up of the Polish Army.

"Accordingly all units have to keep the initiative against the foe by quick action and ruthless attacks." (2327-PS)

Finally, a week before the actual onslaught, when all the military plans have been laid, The General Staff and High Command Group all gathered in one place, in fact all in one room. On 23 August 1939 the *Oberbefehlshaber* assembled at Obersalzberg to hear Hitler's explanation of the timing of the attack, and to receive political and diplomatic orientation from the head of the State (798-PS). This speech, the second of the two examples referred to in the initial affidavits by Halder (3702-PS) and Brauchitsch (3703-PS), was addressed to the very group defined in the indictment as the General Staff and High Command Group.

(d) *The War Period, September 1939-June 1941: Norway Denmark, Holland, Belgium, Luxembourg, Yugoslavia, Greece.* On 1 September 1939 Germany launched the war. Within a few weeks, and before any important action on the western front, Poland was overrun and conquered. German losses were insignificant.

The "three principal territorial questions" mentioned in the Blomberg (3704-PS) and Blaskowitz (3706-PS) affidavits had all been solved. The Rhineland had been reoccupied and fortified, Memel annexed, and the Polish Corridor annexed. And much more too. Austria had become a part of the Reich, and Czechoslovakia was occupied and a Protectorate of Germany. All of western Poland was in German hands. Germany was superior in arms, and in experience in their use, to her western enemies, France and England.

Then came the three years of the war—1939, 1940, 1941—when German armed might swung like a great scythe from north to south to east. Italy, Rumania, Hungary, and Bulgaria had become German allies. Norway and Denmark; the Low Countries; France; Tripoli and Egypt; Yugoslavia and Greece; the western part of the Soviet Union—all this territory was invaded and overrun.

In the period from the fall of Poland in October 1939 to the at-

tack against the Soviet Union in June 1941, occurred the aggressive wars, in violation of treaties, against Norway, Denmark, Holland Belgium, Luxembourg, Yugoslavia, and Greece. But one thing is certain: neither the Nazis nor the generals thought during this period in terms of a series of violations of neutrality and treaties. They thought in terms of a war, a war for the conquest of Europe.

Six weeks after the outbreak of war, and upon the successful termination of the Polish campaign, on 9 October 1939, there was issued a "Memorandum and Directive for the Conduct of the War in the West" (L-52). It is unsigned, was distributed only to the four service chiefs (Keitel, Brauchitsch, Goering, and Raeder) and gives every indication of having been issued by Hitler. The following are pertinent extracts:

"The aim of the Anglo-French conduct of war is to dissolve or disintegrate the 80 million state again so that in this manner the European equilibrium, in other words the balance of power, which serves their ends, may be restored. This battle therefore will have to be fought out by the German people one way or another. Nevertheless, the very great successes of the first month of war could serve, in the event of an immediate signing of peace to strengthen the Reich psychologically and materially to such an extent that from the German viewpoint there would be no objection to ending the war immediately, insofar as the present achievement with arms is not jeopardized by the peace-treaty.

"It is not the object of this memorandum to study the possibilities in this direction or even to take them into consideration. In this paper I shall confine myself exclusively to the other case; the necessity to continue the fight, the object of which, as already stressed, consists so far as the enemy is concerned in the dissolution or destruction of the German Reich. In opposition to this, the German war aim is the final military dispatch of the West, i.e. destruction of the power and ability of the Western Powers ever again to be able to oppose the state consolidation and further development of the German people in Europe.

"As far as the outside world is concerned, however, this internal aim will have to undergo various propaganda adjustments, necessary from a psychological point of view. This does not alter the war aim. It is and remains the destruction of our Western enemies."

* * * * *

"The successes of the Polish campaign have made possible first of all a war on a single front, awaited for past decades

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without any hope of realization, that is to say, Germany is able to enter the fight in the West with all her might, leaving only a few covering troops.

"The remaining European states are neutral either because they fear for their own fates, or lack interest in the conflict as such, or are interested in a certain outcome of the war, which prevents them from taking part at all or at any rate too soon.

"The following is to be firmly borne in mind * * *

* * * * *

"Belgium and Holland—Both countries are interested in preserving their neutrality but incapable of withstanding prolonged pressure from England and France. The preservation of their colonies, the maintenance of their trade, and thus the securing of their interior economy, even of their very life, depend wholly upon the will of England and France. Therefore, in their decisions, in their attitude, and in their actions, both countries are dependent upon the West, in the highest degree. If England and France promise themselves a successful result at the price of Belgian neutrality, they are at any time in a position to apply the necessary pressure. That is to say, without covering themselves with the odium of a breach of neutrality, they can compel Belgium and Holland to give up their neutrality. Therefore, in the matter of the preservation of Belgo-Dutch neutrality time is not a factor which might promise a favorable development for Germany.

"The Nordic States—Provided no completely unforeseen factors appear, their neutrality in the future is also to be assumed. The continuation of German trade with these countries appears possible even in a war of long duration."
(L-52).

Six weeks later, on 23 November 1939, the group of *Oberbefehlshaber* again assembled and heard from Hitler much of what he had said previously to the four service chiefs (789-PS) :

"For the first time in history we have to fight on only one front, the other front is at present free. But no one can know how long that will remain so. I have doubted for a long time whether I should strike in the east and then in the west. Basically I did not organize the armed forces in order not to strike. The decision to strike was always in me. Earlier or later I wanted to solve the problem. Under pressure it was decided that the east was to be attacked first. If the Polish war was won so quickly, it was due to the superiority of our armed forces. The most glorious appearance in history. Un-

expectedly small expenditures of men and material. Now the eastern front is held by only a few divisions. It is a situation which we viewed previously as unachievable. Now the situation is as follows: The opponent in the west lies behind his fortifications. There is no possibility of coming to grips with him. The decisive question is: how long can we endure this situation."

* * * * *

"Everything is determined by the fact that the moment is favorable now; in 6 months it might not be so anymore."

* * * * *

"England cannot live without its imports. We can feed ourselves. The permanent sowing of mines on the English coasts will bring England to her knees. However, this can only occur if we have occupied Belgium and Holland. It is a difficult decision for me. None has ever achieved what I have achieved. My life is of no importance in all this. I have led the German people to a great height, even if the world does hate us now. I am setting this work on a gamble. I have to choose between victory or destruction. I choose victory. Greatest historical choice, to be compared with the decision of Friedrich the Great before the first Silesian war. Prussia owes its rise to the heroism of one man. Even there the closest advisers were disposed to capitulation. Everything depended on Friedrich the Great. Even the decisions of Bismarck in 1866 and 1870 were no less great. My decision is unchangeable. I shall attack France and England at the most favorable and quickest moment. Breach of the neutrality of Belgium and Holland is meaningless. No one will question that when we have won. We shall not bring about the breach of neutrality as idiotically as it was in 1914. If we do not break the neutrality, then England and France will. Without attack the war is not to be ended victoriously. I consider it as possible to end the war only by means of an attack. The question as to whether the attack will be successful no one can answer. Everything depends upon the favorable instant". (789-PS)

Thereafter the winter of 1939-40 passed quietly—the winter of "phony war". The General Staff and High Command Group all knew what the plan was; they had all been told. It was to attack ruthlessly at the first opportunity, to smash the French and English forces, to pay no heed to treaties with, or the neutrality of, the Low Countries.

"Breaking of the neutrality of Belgium and Holland is mean-

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ingless. No one will question that when we have won.”
(789-PS)

That is what Hitler told the *Oberbefehlshaber*. The generals and admirals agreed and went forward with their plans.

The military leaders may contend that all the steps in this march of conquest were conceived by Hitler, and that the military leaders embarked on them with reluctance and misgivings. Or they may be restrained by pride from taking so undignified and degrading a position as to suggest that German military leadership, the bearers of the tradition of Schlieffen, Moltke, Spee and Hindenburg, was cowed and coerced into war and plans of which they did not approve by a gang of political adventurers. But whether they make the argument or not, it is utterly without foundation.

Hitler's utterances in October (L-79) and November (789-PS) 1939 are full of plans against France, England, and the Low Countries but contain no suggestion of an attack on Scandinavia. Indeed, Hitler's memorandum of 9 October 1939 (L-52) to the four service chiefs affirmatively indicates that he saw no reason to disturb the situation to the North:

“*The Northern States*—Providing no completely unforeseen factors appear, their neutrality in the future is also to be assumed. The continuance of trade with these countries appears possible even in a war of long duration.” (L-52)

But a week previous, on 3 October 1939, Raeder had caused a questionnaire to be circulated within the Naval War Staff, seeking comments on the advantages which might be gained from a naval standpoint by securing bases in Norway and Denmark (C-122). Raeder was stimulated to circulate this questionnaire by a letter from another Admiral named Carls, who pointed out the importance of an occupation of the Norwegian coast by Germany (C-66). (Rolf Carls later attained the rank of Admiral of the Fleet, and commanded Naval Group North from January 1940 to February 1943. In that capacity he is a member of the General Staff and High Command Group as defined in the Indictment.)

Doenitz, at that time Flag Officer Submarines, on 9 October 1939, replied to the questionnaire that from his standpoint Trondheim and Narvik met his requirements, that Trondheim was preferable, and proposed the establishment of a U-boat base there (C-5). Raeder's visit to Hitler the next day and certain subsequent events are described as follows (L-323):

“*Entry in the War Diary of the C-in-C of the Navy (Naval War Staff) on 'Weseruebung'*. 1. 10 October 1939. First reference of the C-in-C of the Navy (Naval War Staff), when visiting the Fuehrer, to the significance of Norway for sea

and air warfare. The Fuehrer intends to give the matter consideration.

"12 December 1939. Fuehrer received Q & H.

"Subsequent instructions to the Supreme Command of the Armed Forces to make mental preparations. The C-in-C of the Navy is having an essay prepared, which will be ready in January. With reference to this essay, *Kapitan zur see Krancke* is working on '*Weseruebung*', and OKW.

"During the time which followed, H maintained contact with the Chief of Staff of the C-in-C of the Navy. His aim was to develop the Party Q with a view to making it capable of making a coup, and to give the Supreme Command of the Navy information on political developments in Norway and military questions. In general he pressed for a speeding-up of preparations, but considered that it was first necessary to expand the organization. The support which had been promised him in the form of money and coal was set in motion only very slowly and came in small quantities, and he repeatedly complained about this. It was not until the end of March that Q considered the coup [*Aktion*] so urgent that the expansion of his organization could not wait. The military advice of H was passed on to the OKW." (L-323)

On 12 December the Naval War Staff discussed the Norwegian project with Hitler at a meeting which Keitel and Jodl also attended (C-64). In the meantime, illustrating the close link between the service chiefs and the Nazi politicians, Raeder was in touch with Rosenberg on the possibilities of using Quisling (C-65). As result of all this, on Hitler's instructions Keitel issued an OKW directive on 27 January 1940. The directive related that Hitler had commissioned Keitel to take charge of preparation for the Norway operation, to which he then gave the code name "*Weseruebung*." On 1 March 1940 Hitler issued the directive setting forth the general plan for the invasion of Norway and Denmark (C-174). The invasion itself took place on 9 April 1940. The directive was initialled by Admiral Kurt Fricke who at that time was head of the Operations Division of the Naval War Staff, and who at the end of 1941 became Chief of the Naval War Staff. In that capacity he too is a member of the Group as defined in the Indictment.

So, as these documents make clear, the plan to invade Norway and Denmark was not conceived in Nazi Party circles or forced on the military leaders. On the contrary it was conceived in the naval part of the General Staff and High Command Group, and Hitler was persuaded to take up the idea. Treaties and neutrality

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meant just as little to the General Staff and High Command Group as to the Nazis. Launching aggressive war against inoffensive neighboring states gave the generals and admirals no qualms.

As for the Low Countries, neither Hitler nor the military leaders were disturbed about Treaty considerations. At the conferences between Hitler and the principal military leaders in May 1939 (L-79), when the intention to attack Poland was announced, Hitler in discussing the possibility of war with England said:

"The Dutch and Belgian air bases must be occupied by armed force. Declarations of neutrality will be ignored". (L-79)

And in the speech to the *Oberbefehlshaber* in November 1939 (789-PS), after the Polish victory, Hitler made clear his intention to attack France and England by first invading the Low Countries. "No one will question that when we have won", he said.

Accordingly, the winter of 1939-40 and the early spring of 1940 was a period of intensive planning in German military circles. The major attack in the West through the Low Countries, and the attack on Norway and Denmark had to be planned. Jodl's diary for the period 1 February to 26 May 1940 (1809-PS) contains many entries reflecting the course of this planning. These entries show that during February and early March there was considerable doubt in German military circles as to whether the attack on Norway and Denmark should precede or follow the attack on the Low Countries; and that at some points there even was doubt as to whether all these attacks were necessary from a military standpoint. But there is not a single entry which reflects any hesitancy, from a moral angle, on the part of Jodl or any of the people he mentions to overrun these neutral countries.

On 1 February 1940, General Jeschonnek (Chief of the Air Staff and a member of the Group as defined in the Indictment) visited Jodl and suggested that it might be wise to attack only Holland, on the ground that Holland alone would "be a tremendous improvement in conducting aerial warfare". On 6 February, Jodl conferred with Jeschonnek, Warlimont, and Col. von Waldau, and what Jodl calls a "new idea" was proposed at this meeting: that the Germans should "carry out actions H (Holland) and Weser exercise (Norway and Denmark) only and guarantee Belgium's neutrality for the duration of the war" (1809-PS). The German Air Force may have felt that occupation of Holland alone would give them sufficient scope for air bases for attacks on England, and that if Belgium's neutrality were preserved the bases in Holland would be immune from attack by the French and the British armies in France. If, to meet this situation, the French

and British attacked through Belgium, the violation of neutrality would be on the other foot. But whether or not the "new idea" made sense from a military angle, it appears to be a most extraordinary notion from a diplomatic angle. It was a proposal to violate, without any substantial excuse, the neutrality of three neighboring small countries, and simultaneously to guarantee the neutrality of a fourth. What value the Belgians might have attributed to a guarantee of neutrality offered under such circumstances it is difficult to imagine and in fact the "new idea" projected at this meeting of military leaders is an extraordinary combination of cynicism and naivete.

In the meantime, as Jodl's diary shows, on 5 February 1940 the "special staff" for the Norway invasion met for the first time and got its instructions from Keitel (1809-PS). On 21 February Hitler put General von Falkenhorst (who subsequently became an *Oberbefehlshaber* and a member of the Group) in command of the Norway undertaking; and Jodl's diary records that "Falkenhorst accepts gladly" (1809-PS). On 26 February Hitler was still in doubt whether to go first into Norway or the Low Countries, but on 3 March, he decided to do Norway first and the Low Countries a short time thereafter. This decision proved final. Norway and Denmark were invaded on 9 April and the success of the venture was certain by the first of May; the invasion of the Low Countries took place 10 days thereafter.

France and the Low Countries fell, Italy joined the war on the side of Germany, and the African campaign began. In the meantime, Goering's Air Force hammered at England unsuccessfully, and the planned invasion of Britain ("Operation *Seelowe*") never came to pass. In October 1940 Italy attacked Greece and was fought to better than a standstill. The Italo-Greek stalemate and the uncertain attitude of Yugoslavia were embarrassing to Germany, particularly because the attack on the Soviet Union was being planned in the winter of 1940-41, and Germany felt she could not risk an uncertain situation at her rear in the Balkans.

Accordingly, it was decided to end the Greek situation by coming to Italy's aid, and the Yugoslavian coup d'etat of 26 March 1940 brought about the final German decision to crush Yugoslavia also. The aggressive nature of the German attacks on Greece and Yugoslavia are demonstrated in 444-PS; 1541-PS; C-167; 1746-PS. The decisions were made, and the Armed Forces drew up the plans and executed the attacks. The onslaught was particularly ruthless against Yugoslavia for the special purpose of frightening Turkey and Greece. The final deployment instructions were issued by Brauchitsch (R-95):

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"1. The political situation in the Balkans having changed by reason of the Yugoslav military revolt, Yugoslavia has to be considered as an enemy even should it make declarations of loyalty at first.

*"The Fuehrer and Supreme Commander has decided therefore to destroy Yugoslavia as quickly as possible * * *"*

* * * * *

"5. *Timetable for the operations.* a. On 5th April as soon as sufficient forces of the Air Forces are available and weather permitting, the Air Forces shall attack continuously by day and night the Yugoslav ground organization and Belgrade."
(R-95)

(e) *The Soviet Union.* It is quite possible that some members of the General Staff and High Command Group opposed "Barbarossa," the German attack on the Soviet Union, as unnecessary and unwise from a military standpoint. Raeder so indicated in a memorandum he wrote on 10 January 1944 (C-66):

"1. At this time the Fuehrer had made known his 'unalterable decision' to conduct the Eastern campaign in spite of all remonstrances. After that, further warnings, if no new situation had arisen, were found to be completely useless. As Chief of Naval War Staff, I was never convinced of the 'compelling necessity' for Barbarossa."

* * * * *

"The Fuehrer very early had the idea of one day settling accounts with Russia, doubtless his general ideological attitude played an essential part in this. In 1937-38 he once stated that he intended to eliminate the Russians as a Baltic power; they would then have to be diverted in the direction of the Persian Gulf. The advance of the Russians against Finland and the Baltic States in 1939-40 probably further strengthened him in this idea.

"The fear that control of the air over the Channel in the autumn of 1940 could no longer be attained—a realization which the Fuehrer, no doubt, gained earlier than the Naval War Staff, who were not so fully informed of the true results of air raids on England (our own losses)—surely caused the Fuehrer, as far back as August and September, to consider whether—even prior to victory in the West—an Eastern campaign would be feasible with the object of first eliminating our last serious opponent on the Continent. The Fuehrer did not openly express this fear, however, until well into September."

* * * * *

"7. As no other course is possible, I have submitted to compulsion. If, in doing so, a difference of opinion arises between I SKL and myself, it is perhaps because the arguments the Fuehrer used on such occasion (dinner speech in the middle of July to the Officers in Command) to justify a step he had planned, usually had a greater effect on people not belonging to the 'inner circle,' than on those who often heard this type of reasoning.

"Many remarks and plans indicate that the Fuehrer calculated on the final ending of the Eastern campaign in the autumn of 1941, whereas the Supreme Command of the Army (General Staff) was very skeptical." (C-66)

But the passage last quoted indicates that the other members of the General Staff favored "Barbarossa". Raeder's memorandum actually says substantially that Blomberg's affidavit (3704-PS) says; that some of the generals lost confidence in the power of Hitler's judgment, but that the generals failed as a group to take any definite stand against him although a few tried and suffered thereby. Certainly the High Command Group took no stand against Hitler on "Barbarossa" and the events of 1941 and 1942 do not suggest that the High Command embarked on the Soviet war tentatively or with reservations, but rather with ruthless determination backed by careful planning. The plans themselves have already been cited. (446-PS; C-35; 872-PS; C-78; 447-PS)

(f) *Nature of the General Staff and High Command Group Responsibility for Aggression.* The nature of the accusation against this Group for plotting and launching wars of aggression must be clearly understood. They are not accused on the ground that they are soldiers. They are not accused because they did the usual things a soldier is expected to do, such as make military plans and command troops.

It is among the normal duties of a diplomat to engage in negotiations and conferences; to write notes and side memoires to the government to which he is accredited; and to cultivate good will toward the country he represents. Ribbentrop is not indicted for doing these things. It is the usual function of a politician to weigh and determine matters of national policy and to draft regulations and decrees and make speeches. Hess, Frick, and the other politician-defendants are not indicted for doing these things. It is an innocent and respectable business to be a locksmith but it is none the less a crime if the locksmith turns his talents to picking the locks of neighbors and looting their homes. And that is the nature of the charge against all the defendants, and against the General Staff and High Command Group as well. The charge

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is that in performing the functions of diplomats, politicians, soldiers, sailors, or whatever they happened to be, they conspired to and did plan, prepare, initiate, and wage wars of aggression and in violation of Treaties.

The Charter (Article 6(a)) declares that wars of aggression and wars in violation of international treaties, agreements, and assurances are crimes against peace. It is no defense for those who commit such crimes to plead that they practice a particular profession, whether it is arms or the law. It is perfectly legal for military men to prepare military plans to meet national contingencies, to carry out such plans and engage in war if in so doing they do not knowingly plan and wage illegal wars.

There might well be individual cases where drawing the line between legal and illegal conduct would involve some difficulties. That is not an uncommon situation in the legal field. But there can be no doubt as to the criminality of the General Staff and High Command Group, nor as to the guilt of the five defendants who are members of the Group. The evidence is clear that these defendants, and the leaders of the Group, and most of the members of the Group, were fully advised in advance of the aggressive and illegal war plans, and carried them out with full knowledge that the wars were aggressive and in violation of treaties.

In the case of defendants Goering, Keitel, and Jodl, the evidence is voluminous and their participation in aggressive plans and wars is constant. The same is true of the defendant Raeder, and his individual responsibility for the aggressive and savage attack on Norway and Denmark is especially clear. The evidence so far offered against Doenitz is less voluminous, for the reason that he was younger and not one of the top group until later in the war, but his knowing participation in and advocacy of the Norwegian venture is clear.

Numerous other members of the General Staff and High Command Group, including its other leaders, participated knowingly and willfully in these illegal plans and wars. Brauchitsch, the Commander-in-Chief of the Army, and his Chief of Staff, Halder; Warlimont the deputy to Jodl and chief repository of plans—in the nature of things these men knew all that was going on, and participated fully, as the evidence has shown. Reichenau and Sperrle helped to bully Schuschnigg; Reichenau and von Schobert, together with Goering, were immediately sent for by Hitler when Schuschnigg ordered the plebiscite. At later date, Blaskowitz as an *Oberbefehlshaber* in the field knowingly prepared for the attack on Poland; Field Marshal List educated the Bulgarians for their role during the attacks on Yugoslavia and Greece; von Falk-

enhorst "gladly" accepted the assignment to command the invasion of Norway and Denmark. On the air side, Jeschonnek had proposed that Germany attack Norway, Denmark, and Holland, and simultaneously assured Belgium that there was nothing to fear. On the naval side, Admiral Carls foresaw at an early date that German policy was leading to a general European war, and at a later date the attack on Norway and Denmark was his brain-child; Krancke was one of the chief planners of this attack; Schniewindt was in the inner circle for the attack on Poland; Fricke certified the final orders for "*Weseruebung*" and a few months later proposed that Germany annex Belgium and northern France and reduce the Netherlands and Scandinavia to vassalage. Most of these 19 officers were at the time members of the Group, and the few who were not subsequently became members. At the final planning and reporting conference for "*Barbarossa*," 17 additional members were present. At the two meetings with Hitler, at which the aggressive plans and the contempt for treaties were fully disclosed, the entire group was present.

The military defendants may perhaps argue that military men are pure technicians, bound to do whatever the political leaders order them to do. Such a suggestion must fail, on any test of reason or logic. It amounts to saying that military men are a race apart from and different from the ordinary run of human beings—men above and beyond the moral and legal requirements that apply to others; men incapable of exercising moral judgment on their own behalf.

It stands to reason that the crime of planning and waging aggressive warfare is committed most consciously, deliberately, and culpably by a nation's leaders—the leaders in all the major fields of activity necessary to and closely involved in the waging of war. It is committed by the principal propagandists and publicists who whip up the necessary beliefs and enthusiasms among the people as a whole, so that the people will acquiesce and join in attacking and slaughtering the peoples of other nations. It is committed by the political leaders who purport to represent and execute the national will. It is committed by the diplomats who handle the nation's foreign policy and endeavor to create a favorable diplomatic setting for successful warfare, and by the chief ministers who adapt the machinery of government to the needs of a nation at war. It is committed by the principal industrial and financial leaders who shape the national economy and marshall the productive resources for the needs of an aggressive war program. It is no less committed by the military leaders who knowingly plan aggressive war, mobilize the men and equipment of the attacking forces, and execute the actual onslaught.

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In the nature of things, planning and executing aggressive war is accomplished by agreement and consultation among all these types of leaders. If the leaders in any notably important field of activity stand aside, resist, or fail to cooperate in launching and executing an aggressive war program, the program will at the very least be seriously obstructed, and probably its successful accomplishment will be impossible. That is why the principal leaders in all these fields of activity share responsibility for the crime, and the military leaders no less than the others. Leadership in the military field, as in any other field, calls for moral wisdom as well as technical astuteness.

The responsible military leaders of any nation can hardly be heard to say that their role is that of a mere janitor, custodian, or pilot of the war machine which is under their command, and that they bear no responsibility whatsoever for the use to which that machine is put. Such a view would degrade and render ignoble the profession of arms. The prevalence of such a view would be particularly unfortunate today, when the military leaders control forces infinitely more powerful and destructive than ever before. Should the military leaders be declared exempt from the declaration in the Charter that planning and waging aggressive war is a crime, it would be a crippling if not fatal blow to the efficacy of that declaration.

The American prosecution here representing the United Nations believes that the profession of arms is a distinguished and noble profession. It believes that the practice of that profession by its leaders calls for the highest degree of integrity and moral wisdom no less than for technical skill. It believes that in consulting and planning with leaders in other national fields of activity, the military leaders will act and counsel in accordance with International Law and the dictates of the public conscience. Otherwise, the military resources of the nation will be used, not in accordance with the laws of modern civilization, but with the law of the jungle. The military leaders share responsibility with other leaders of a nation.

Obviously the military leaders are not the final and exclusive arbiters, and the German military leaders do not bear exclusive responsibility for the aggressive wars which were waged. If the leading German diplomats and industrialists and other leaders had not been infected with similar criminal purposes, the German military leaders might not have had their way. But the German military leaders conspired with others to undermine and destroy the conscience of the German nation. The German military leaders wanted to aggrandize Germany and if necessary to resort to war

for that purpose. As the Chief Prosecutor for the United States said in his opening statement, "the German military leaders are here before you because they, along with others, mastered Germany and drove it to war."

(2) *War Crimes and Crimes Against Humanity.* It is proposed to show that members of the General Staff and High Command Group, including the five defendants who are members of the Group, ordered and directed the commission of War Crimes and Crimes against Humanity, as defined in the Indictment. It is also proposed to show, in certain instances, the actual commission of war crimes by members of the German Armed Forces, as a result of these orders, or as a result of other orders or arrangements made by members of the General Staff and High Command Group, which controlled the German Armed Forces and bears responsibility for war crimes committed by them.

It is not proposed, however, to make a full showing of war crimes committed by the German Armed Forces. The full presentation of this evidence is to be made, pursuant to agreement among the Chief Prosecutors, by the French and Soviet delegations.

It will be shown that the General Staff and High Command became wedded to a policy of terror. In some cases, where the evidence of this policy is in documentary form, the activating papers which were signed by, initialed by, and circulated among the members of the Group will be presented. In other instances, where the actual crimes were committed by others than members of the German Armed Forces (where, for example prisoners of war or civilians were handed over to and mistreated or murdered by the SS or SD), it will be shown that members of the Group were well aware that they were assisting in the commission of war crimes. It will be shown that many crimes committed by the SS or SD were committed with the knowledge and necessary support of the General Staff and High Command, and that frequently members of the German Armed Forces acted in conjunction with the SS and SD in carrying out tasks then known by such respectable-sounding terms as "pacification," "cleansing," and "elimination of insecure elements."

(a) *Murder of Commandos, Paratroopers, and Members of Military Missions.* This story starts with an order issued by Hitler on 18 October 1942 (498-PS). The order began with a recital that allied commandos were using methods of warfare alleged to be outside the scope of the Geneva Conventions, and thereafter proceeded to specify the methods of warfare which German troops should use against allied commandos, and the disposition which

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should be made of captured commandos. This order reads as follows:

- "1. For some time our enemies have been using in their warfare methods which are outside the international Geneva Conventions. Especially brutal and treacherous is the behavior of the so-called commandos, who, as is established, are partially recruited even from freed criminals in enemy countries. From captured orders it is divulged that they are directed not only to shackle prisoners, but also to kill defenseless prisoners on the spot at the moment in which they believe that the latter as prisoners represent a burden in the further pursuit of their purposes or could otherwise be a hindrance. Finally, orders have been found in which the killing of prisoners has been demanded in principle.
- "2. For this reason it was already announced in an addendum to the Armed Forces report of 7 October 1942, that in the future, Germany, in the face of these sabotage troops of the British and their accomplices, will resort to the same procedure, i.e., that they will be ruthlessly mowed down by the German troops in combat, wherever they may appear.
- "3. I therefore order:
From now on all enemies on so-called Commando missions in Europe or Africa challenged by German troops, even if they are to all appearances soldiers in uniform or demolition troops, whether armed or unarmed, in battle or in flight, are to be slaughtered to the last man. It does not make any difference whether they are landed from ships and aeroplanes for their actions, or whether they are dropped by parachute. Even if these individuals, when found, should apparently be prepared to give themselves up, no pardon is to be granted them on principle. In each individual case full information is to be sent to the OKW. for publication in the Report of the Military Forces.
- "4. If individual members of such commandos, such as agents, saboteurs, etc. fall into the hands of the military forces by some other means, through the police in occupied territories for instance, they are to be handed over immediately to the SD. Any imprisonment under military guard, in PW Stockades for instance, etc., is strictly prohibited, even if this is only intended for a short time.

- "5. This order does not apply to the treatment of any enemy soldiers who in the course of normal hostilities (large-scale offensive actions; landing operations and airborne operations), are captured in open battle or give themselves up. Nor does this order apply to enemy soldiers falling into our hands after battles at sea, or enemy soldiers trying to save their lives by parachute after battles.
- "6. I will hold responsible under Military Law, for failing to carry out this order, all commanders and officers who either have neglected their duty of instructing the troops about this order, or acted against this order where it was to be executed.

“(S) Adolf Hitler” (498-PS).

This order was issued by the OKW in twelve copies, and the distribution included the three supreme commands and the principal field commands. (498-PS)

On the same day Hitler issued a supplementary order (503-PS) for the purpose of explaining the reasons for the issuance of the basic order. In this explanation, Hitler pointed out that allied commando operations had been extraordinarily successful in the destruction of rear communications, intimidation of laborers, and destruction of important war plants in occupied areas. Among other things Hitler stated in this explanation:

“Added to the decree concerning the destruction of terror and sabotage troops (OKW/WFst No. 003830/42 *Top Secret of 18 October 1942*) a supplementary order of the Fuehrer is enclosed.

“This order is intended for commanders only and must not under any circumstances fall into enemy hands.

“The further distribution is to be limited accordingly by the receiving bureaus.

“The bureaus named in the distribution list are held responsible, for the return and destruction of all distributed pieces of the order and copies made thereof.

“The Chief of the High Command of
the Armed Forces

“By order of
“Jodl”

* * * * * *

“I have been compelled to issue strict orders for the destruction of enemy sabotage troops and to declare noncompliance with these orders severely punishable. I deem it necessary to announce to the competent commanding officers and commanders the reasons for this decree.

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"As in no previous war, a method of destruction of communications behind the front, intimidation of the populace working for Germany, as well as the destruction of war-important industrial plants in territories occupied by us has been developed in this war."

* * * * *

"The consequences of these activities are of extraordinary weight. I do not know whether each commander and officer is cognizant of the fact that the destruction of one single electric power plant, for instance, can deprive the *Luftwaffe* of many thousand tons of aluminum, thereby eliminating the construction of countless aircraft that will be missed in the fight at the front and so contribute to serious damage of the Homeland as well as bloody losses of the fighting soldiers.

"Yet this form of war is completely without danger for the adversary. Since he lands his sabotage troops in uniform but at the same time supplies them with civilian clothes, they can, according to need, appear as soldiers or civilians. While they themselves have orders to ruthlessly remove any German soldiers or even natives who get in their way, they run no danger of suffering really serious losses in their operations, since at the worst, if they are caught, they can immediately surrender and thus believe that they will theoretically fall under the provisions of the Geneva Convention. There is no doubt, however, that this is a misuse in the worst form of the Geneva agreements, especially since part of these elements are even criminals, liberated from prisons, who can rehabilitate themselves through these activities.

"England and America will therefore always be able to find volunteers for this kind of warfare as long as they can truthfully assure them that there is no danger of loss of life for them. At worse, all they have to do is to successfully commit their attack on people, traffic installations, or other installations, and upon being encountered by the enemy, to capitulate.

"If the German conduct of war is not to suffer grievous damage through these incidents, it must be made clear to the adversary that all sabotage troops will be exterminated, without exception, to the last man.

"This means that their chance of escaping with their lives is nil. Under no circumstances can it be permitted, therefore, that a dynamite, sabotage, or terrorist unit simply allows itself to be captured, expecting to be treated according

to rules of the Geneva Convention. It must under all circumstances be ruthlessly exterminated.

"The report on this subject appearing in the Armed Forces communique will briefly and laconically state that a sabotage, terror, or destruction unit has been encountered and exterminated to the last man.

"I therefore expect the commanding officers of armies subordinated to them as well as individual commanders not only to realize the necessity of taking such measures, but to carry out this order with all energy. Officers and noncommissioned officers who fail through some weakness are to be reported without fail, or under circumstances when there is danger in delay to be at once made strictly accountable. The Homeland as well as the fighting soldier at the front has the right to expect that behind their back the essentials of nourishment as well as the supply of war-important weapons and ammunition remains secure.

"These are the reasons for the issuance of this decree.

"If it should become necessary, for reasons of interrogation, to initially spare one man or two, then they are to be shot immediately after interrogation.

"(signed) A. Hitler" (503-PS).

Ten days later, on 28 October 1942, while Raeder was Commander-in-Chief of the Germany Navy, the Naval War Staff in Berlin transmitted its copy of the basic order of 18 October to the lower Naval commands. The copy distributed by the Navy and the covering memorandum from the Naval War Staff (C-179) shows clearly the secrecy which surrounded the dissemination of this order:

"Enclosed please find a Fuehrer Order regarding annihilation of terror and sabotage units.

"This order must not be distributed in writing by Flotilla leaders, Section Commanders or officers of this rank.

"After verbal distribution to subordinate sections the above authorities must hand this order over to the next highest section which is responsible for its confiscation and destruction.

"(s) Wagner" (C-179).

"Note for Distribution:

"These instructions are not to be distributed over and above the battalions and corresponding staffs of the other services. After notification, those copies distributed over and above

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the Regimental and corresponding staffs of the other services must be withdrawn and destroyed." (C-179)

On 11 February 1943, just twelve days after Doenitz had become Commander-in-Chief of the German Navy, the Naval War Staff promulgated a further memorandum on this subject in order to clear up certain misunderstandings as to the scope of the basic order of 18 October 1942 (C-178). It was stated in this subsequent memorandum that all commanders and officers who neglected their duty in failing to instruct their units concerning the order would run the risk of serious court martial penalties:

"From the notice given by 3/SKL [Naval War Staff] on February 1st 43, it has been discovered that the competent departments of the General Staff of the Army, as well as those of the Air Force Operations Staff have a wrong conception regarding the treatment of saboteurs. A telephone inquiry at 3/SKL proved that this Naval authority was not correctly informed either. In view of this situation, reference is made to figure 6) of the Fuehrer order of October 18, 42 (Appendix to Volume No. 1 SKL I Ops 26 367/42 Top Secret of October 28, 42) according to which all commanders and officers, who have neglected their duty in instructing their units about the order referring to treatment of saboteurs, are threatened with punishment by court martial.

"The first Fuehrer order concerning this matter of October 18, 42 (Appendix to Volume No. 1 SKL 1 Ops 2108/42 Top Secret of October 27, 42) was given the protection of Top Secret merely because it is stated therein:

"1. That, according to the Fuehrer's views the spreading of military sabotage organizations in the East *and* West may have portentous consequences for our whole conduct of the war and

"2. That the shooting of uniformed prisoners acting on military orders must be carried out even *after* they have surrendered voluntarily and asked for pardon.

"On the other hand, the annihilation of sabotage units in battle is not at all to be kept secret but on the contrary to be currently published in the OKW (Supreme Command of the Armed Forces) reports. The purpose of these measures to act as a deterrent, will not be achieved, if those taking part in enemy 'Commando Operations' would not learn that certain death and not safe imprisonment awaits them. As the saboteurs are to be annihilated immediately, unless their statements are first needed for military reasons, it is necessary that not only all members of the Armed Forces must receive

instructions that these types of saboteurs, even if they are in uniform, are to be annihilated, but also all departments of the home staff, dealing with this kind of question, must be informed of the course of action which has been ordered.”
(C-178)

The Hitler order of October 1942 was actually carried out in a number of instances. During the night of the 19-20 November 1942, a British freight glider crashed near Egersund in Norway. The glider carried a British commando unit of 17 men, of whom 3 were apparently killed in the crash. All were in English uniform. The 14 survivors were executed in accordance with the Hitler order in the evening of 20 November 1942. The proof is contained in the following document (508-PS):

“1. Following supplementary report is made about landing of a British freight glider at Hegers and in the night of November 20:

“a. No firing on the part of German defense.

“b. The towing plane (Wellington) has crashed the ground, 7 man crew dead. The attached freight glider also crashed, of the 17-man crew 14 alive. Indisputably a sabotage force. Fuehrer order has been carried out.”

* * * * *

“On November 20, 1942 at 5:50 an enemy plane was found 15 Km NE of Egersund. It is a British aircraft (towed glider) made of wood without engine. Of the 17 member crew 3 are dead, 6 are severely, the others slightly wounded.

“All wore English khaki uniforms without sleeve-insignia. Furthermore following items were found: 8 knapsacks, tents, skis and radio sender, exact number is unknown. The glider carried rifles, light machine guns and machine pistols, number unknown. At present the prisoners are with the Bn. in Egersund.”

* * * * *

“Beside the 17 member crew extensive sabotage material and work equipment were found. Therefore the sabotage purpose was absolutely proved. The 280th Inf. Div. (J.D.) ordered the execution of the action according to the Fuehrer's order. The execution was carried out toward the evening of Nov. 20. Some of the prisoners wore blue ski-suits under their khaki uniforms which had no insignia on the sleeves. During a short interrogation the survivors have revealed nothing but their names, ranks and serial numbers.”

* * * * *

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"In connection with the shooting of the 17 members of the crew, the Armed Forces Commander of Norway (WBN) has issued an order to the district commanders, according to which the interrogation by G-2 (Ic) and by BDS are important before the execution of the Fuehrer order; in case of No. 4 of the Fuehrer order the prisoners are to be handed over to the BDS." (508-PS)

In three specific instances the Hitler order was carried out in Norway (512-PS). The procedure was to take individual commandos prisoner and interrogate them to extract military intelligence before executing them. This procedure was in accordance with the last sentence of Hitler's supplementary order (503-PS), and is obviously in flat contradiction of the requirements of the Hague and Geneva Conventions. The reason for this procedure is explained as follows:

"*TOP SECRET*—According to the last sentence of the Fuehrer order of 18th October (*CHEFS*), individual saboteurs can be spared for the time being in order to keep them for interrogation. The importance of this measure was proven in the cases of Glomfjord, Twoman torpedo Drontheim, and glider plane Stavanger, where interrogations resulted in valuable knowledge of enemy intentions. Since in the case of Egersund the saboteur was liquidated immediately and no clues were won; therefore, Armed Forces Commander (WB) referred to above mentioned (OA) last sentence of the Fuehrer order (Liquidation only after short interrogation)." (512-PS)

Another instance from the Norwegian theater of war (526-PS): On 30 March 1943, 10 Norwegian navy personnel were taken prisoner from a Norwegian cutter at Toftefjord. The 10 prisoners were executed by the SD in accordance with the Hitler order, but the published report announced only that the unit was destroyed:

"On the 30.3 1943 in Toftefjord (70° Lat.) an enemy cutter was sighted, cutter was blown up by the enemy. Crew: 2 dead men, 10 prisoners.

"Cutter was sent from Scalloway (Shetland Is.) by the Norwegian Navy."

* * * * *

"*Purpose*: Construction of an organization for sabotaging of strong-points, battery positions, staff and troop billets and bridges.

"*Assigner of Mission in London*: Norwegian, Maj. Munthe.
"Fuehrer order executed by S.D. (security service).

"*Wehrmacht Report* of 6.4 announces the following about it:

"In Northern Norway an enemy sabotage unit was engaged and destroyed on approaching the coast." (526-PS)

Similar action took place in the Italian theater. A telegram (509-PS) from the Supreme Commander in Italy to OKW, dated 7 November 1943, shows that on 2 November 1943 three British commandos captured at Pascara, Italy, were given "special treatment" (*Sonderbehandelt*), which, as previous evidence has shown, (3040-PS) means death. What happened to the remaining nine prisoners of war who were wounded and in the hospital is not known. (509-PS)

An affidavit (2610-PS) dated 7 November 1945, by Frederick W. Roche, a Major in the Army of the United States, furnishes other evidence of the carrying out of the Hitler order. Major Roche was the Judge Advocate of an American Military Commission which tried General Anton Dostler, formerly Commander of the 75th German Army Corps, for the unlawful execution of 15 members of the United States Armed Forces. His affidavit states:

"FREDERICK W. ROCHE being duly sworn deposes and says:

"I am a Major in the Army of the United States.

"I was the Judge Advocate of the Military Commission which tried Anton Dostler for ordering the execution of the group of fifteen United States Army personnel who comprised the 'Ginny Mission.' This Military Commission consisting of five officers was appointed by command of General McNarney, by Special Orders No. 269, dated 26 September 1945, Headquarters, Mediterranean Theater of Operations, United States Army, APO 512.

"The Military Commission met at Rome, Italy, on 8 October 1945 and proceeded with the trial of the case of the United States v. Anton Dostler. The trial of this case consumed four days and the findings and sentence were announced on the morning of 12 October 1945. The charge and specification in this case are as follows:

"Charge: Violation of the law of war."

"Specification: In that Anton Dostler, then General, commanding military forces of the German Reich, a belligerent enemy nation, to wit the 75th Army Corps, did, on or about 24 March 1944, in the vicinity of La Spezia, Italy, contrary to the law of war, order to be shot summarily, a group of United States Army personnel, consisting of two officers and thirteen enlisted men who had then recently been captured by forces under General Dostler, which order was carried

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into execution on or about 26 March 1944, resulting in the death of the said fifteen members of the Army of the United States identified as follows * * *."

* * * * *

"I was present throughout the entire proceeding. I heard all the testimony, and I am familiar with the record in this case. The facts developed in this proceeding are as follows: On the night of 22 March 1944, two officers and thirteen enlisted men of the 2677th Special Reconnaissance Battalion of the Army of the United States disembarked from some United States Navy boats and landed on the Italian coast near Stazione di Framura. All fifteen men were members of the Army of the United States and were in the military service of the United States. When they landed on the Italian coast they were all properly dressed in the field uniform of the United States Army and they carried no civilian clothes. Their mission was to demolish a railroad tunnel on the main line between La Spezia and Genoa. That rail line was being used by the German Forces to supply their fighting forces on the Cassino and Anzio Beachhead fronts. The entire group was captured on the morning of 24 March 1944 by a patrol consisting of Fascist soldiers and a group of members of the German Army. All fifteen men were placed under interrogation in La Spezia and they were held in custody until the morning of 26 March 1944 when they were all executed by a firing squad. These men were never tried nor were they brought before any court or given any hearing; they were shot by order of Anton Dostler, then General Commanding the 75th German Army Corps.

"Anton Dostler took the stand in this case and testified by way of defense that he ordered the fifteen American soldiers to be shot pursuant to the Hitler order of 18 October 1942 on commando operations, which provided that commandos were to be shot and not taken prisoners of war, even after they had been interrogated. He also testified that he would have been subject to court martial proceedings if he did not obey the Hitler order.

"The following is a true copy of the findings and sentence in the case of the United States v. Anton Dostler, as these findings and sentence appear in the original record of the trial and as they were announced in open court at Rome, Italy on 12 October 1945:

"*FINDINGS:* General Dostler, as president of this commission it is my duty to inform you that the

commission in closed session and upon secret written ballot, at least two-thirds of all the members of the commission concurring in each finding of guilty, finds you of the specification and of the charge:

“‘GUILTY’.

“‘SENTENCE: And again in closed session and upon secret written ballot, at least two-thirds of all of the members of the commission concurring, sentences you:

“‘TO BE SHOT TO DEATH BY
MUSKETRY’.” (2610-PS)

The order of 18 October 1942 remained in force, so far as the evidence shows, until the end of the war. On 22 June 1944 in a document initialed by Warlimont (506-PS) the OKW made it clear that the Hitler order was to be applied even in cases where the commando operation was undertaken by only one person:

“WFSt agrees with the view taken in the letter of the army group judge [*Heeresgruppenrichter*] with the Supreme Commander Southwest of 20 May 44 (Br. B. Nr 68/44 g.K.). The Fuehrer order is to be applied even if the enemy employs only *one* person for a task. Therefore, it does not make any difference if several persons or a single person take part in a commando operation. The reason for the special treatment of participants in a commando operation is that such operations do not correspond to the German concept of usage and customs of (land) warfare.” (506-PS)

The allied landing in Normandy early in June 1944, in the course of which large scale air-borne operations took place, raised among the Germans the question as to how far the Hitler order would be applied to Normandy, and in France behind the German lines. A memorandum (531-PS) dated 23 June 1944 and signed by Warlimont, starts by quoting a teletype from the Supreme Command in the West inquiring what should be done about applying the Hitler order to air-borne troops and commandos:

“Supreme Command West reports by teletype message No. 1750/44 Top Secret of 23 June 44:

“The treatment of enemy commando groups has so far been carried out according to the order referred to. With the large-scale landing achieved, a new situation has arisen. The order referred to directs in number 5 that enemy soldiers who are taken prisoner in open combat or surrender within the limits of normal combat operations (large-scale landing operations and undertakings) are not to be treated according to num-

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bers 3 and 4. It must be established in a form easily understood by the troops how far the concept 'within the limits of normal combat operations, etc.' is to be extended.

"The application of number 5 for all enemy *soldiers in uniform* penetrating from the outside into the occupied western areas is held by Supreme Command West to be the most correct and clearest solution." (531-PS)

Warlimont's memorandum (531-PS) continues by reciting the position taken with reference to the request by the OKW Operations Staff, of which Warlimont was the Deputy Chief:

"Position taken by Armed Forces Operational Staff:

"1. The Commando order remains basically in effect even after the enemy landing in the west.

"2. Number 5 of the order is to be clarified to the effect, that the order is not valid for *those* enemy soldiers in uniform, who are captured in open combat in the immediate combat area of the beachhead by our troops committed there, or who surrender. Our troops committed in the immediate combat area means the divisions fighting on the front line as well as reserves up to and including corps headquarters.

"3. Furthermore, in doubtful cases enemy personnel who have fallen into our hands alive are to be turned over to the SD, upon whom it is incumbent to determine whether the Commando order is to be applied or not.

"4. Supreme Command West is to see to it that all units committed in its zone are orally acquainted in a suitable manner with the order concerning the treatment of members of commando undertakings of 18 Oct. 42 along with the above explanation." (531-PS)

On 25 June 1944 the OKW replied to this inquiry in a teletype message (551-PS) signed by Keitel and initialed by Warlimont and Jodl:

"Subject: Treatment of Commando Participants.

"1. Even after the landing of Anglo-Americans in France, the order of the Fuehrer on the destruction of terror and sabotage units of 18 Oct. 1942 remains fully in force.

"Enemy soldiers in uniform in the immediate combat area of the bridgehead, that is, in the area of the divisions fighting in the most forward lines as well as of the reserves up to the Corps Commands, according to No. 5 of the basic order of 18 Oct. 1942, remain exempted.

"2. All members of terror and sabotage units, found outside the immediate combat area, who include fundamentally all

parachutists, are to be killed in combat. In special cases, they are to be turned over to the SD.

"3. All troops, committed outside the combat area of Normandy, are to be informed about the duty to destroy enemy terror and sabotage units briefly and succinctly according to the directives, issued for it.

"4. Supreme Commander West will report immediately daily, how many saboteurs have been liquidated in this manner. This applies especially also to undertakings by the military commanders. The number is to be published daily in the Armed Forces Communique to exercise a frightening effect, as has already been done toward previous commando undertakings in the same manners."

"[Initial] W [Warlimont]

"[signature] Keitel (551-PS).

In July 1944, the question was raised within the German High Command as to whether the order of October 1942 should be applied to members of foreign military missions, with special regard to the British, American, and Soviet military missions which were cooperating with allied forces in Southeastern Europe, notably in Yugoslavia. A long document signed by Warlimont (1279-PS) embodies the discussions which were had at that time at OKW. It discloses that the Armed Forces Operational Staff recommended that the order should be applied to these military missions and drew up a draft order to this effect. The order which actually resulted from these discussions (537-PS), dated 30 July 1944 and signed by Keitel, provides:

"Re: Treatment of members of foreign 'Military Missions,' captured together with partisans.

"In the areas of the High Command Southeast and Southwest members of foreign so-called 'Military Missions' (Anglo-American as well as Soviet-Russian) captured in the course of the struggle against partisans shall not receive the treatment as speculated in the Special Orders regarding the treatment of captured partisans. Therefore they are not to be treated as PWs but in conformity with the Fuehrer's order are the elimination of terror and sabotage troops of 18 October 1942 (OKW/WFSt. 003830/42 g. Kdos).

"This order shall not be transmitted to other units of the Armed forces via the High Commands and equivalent staffs and is to be destroyed after being made record.

"The Chief of the High Command of the *Wehrmacht*

"Keitel" (537-PS)

Pursuant to this order, approximately 15 members of an allied

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military mission to Slovakia were executed in January 1945. An affidavit (L-51) signed by one Adolf Zutter, who was the adjutant at the camp where the executions took place, reads in part:

"Concerning the American Military Mission which had landed behind the German main line of resistance in Slovakian or Hungarian territory in January 1945, I remember when in January 1945 it was brought to the concentration camp at Mauthausen. I suppose there were about 12 to 15 newcomers. They wore an American or Canadian uniform, of brown-green color, blouse, and cap made of cloth. Eight or ten days after their arrival the order for execution came in by radiogram or teletype. Colonel Ziereis came to me in the office and said: now Kaltenbrunner has authorized the execution. The letter was secret and had the signature: signed Kaltenbrunner. These people were then shot according to martial law and T/Sgt [*Oberscharfuehrer*] Niedermeyer handed their belongings over to me. In spring 1945, a written order based on an Army manual to destroy all files was received by the security officer in Mauthausen, 1st Lt. [*Obersturmfuehrer*] Reimer; this order had been sent by Lt [*Untersturmfuehrer*] Meinhardt, security officer of Section D in Oranienburg. Reimer forwarded this order personally in written form to the various sections and supervised the compliance with it. Among the files were also all the execution orders." (L-51)

The foregoing documents with respect to the order of 18 October 1942, and its subsequent enforcement and application, clearly demonstrate that members of the General Staff and High Command Group, including the defendants Keitel, Jodl, Doenitz, and Raeder, ordered and directed the commission of war crimes by members of the German Armed Forces, and that these orders were carried out in numerous instances.

(b) *War Crimes on the Eastern Front.* The order of October 1942 with respect to the murdering of captured commandos operated chiefly in the Western theater of war, against British and American commando troops. This was natural since Germany occupied almost the entire Western coast of Europe from 1940 until the last year of the war, and during that period land fighting in Western Europe was largely limited to commando operations. The Mediterranean Theater likewise lent itself to this type of warfare.

On the Eastern Front, where there was large-scale land fighting in Poland and the Soviet Union from 1941 on, the German forces were fighting amongst a hostile population and had to

face extensive partisan activities behind their lines. It will be shown that the activities of the German Armed Forces against partisans and other elements of the population became a vehicle for carrying out Nazi political and racial policies, and a cloak for the ruthless and barbaric massacre of Jews and of numerous segments of the Slavic population which were regarded by the Nazis as undesirable. It was the policy of the German Armed Forces to behave with the utmost severity to the civilian population of the occupied territories, and to conduct its military operations, particularly against partisans, so as to further these Nazi policies. It will be shown that the German Armed Forces supported, assisted, and acted in cooperation with the SS Groups which were especially charged with antipartisan activities. Members of the General Staff and High Command Group ordered, directed, encouraged, and were fully aware of these criminal policies and activities.

It is not proposed to make a full or even partial showing of war crimes committed by the Nazis on the Eastern Front; evidence of those crimes are to be presented by the Soviet delegation. Evidence concerning the activities of the SS, SD, and Gestapo will be discussed only to the extent necessary to clarify the relations between these organizations and the German Armed Forces and to demonstrate their close collaboration in the occupied territories of Eastern Europe.

These policies of ruthless severity to the civilian population of the occupied Eastern territories were determined upon and made official for the German Armed Forces even before the invasion of the Soviet Union took place. An order by Hitler, dated 13 May 1941, and signed by Keitel as Chief of the Supreme Command of the Armed Forces (C-50) provided:

"Order

"Concerning the exercise of martial jurisdiction and PROCEDURE IN THE AREA 'Barbarossa' and special military measures.

"The application of martial law aims in the first place at maintaining discipline.

"The fact that the operational areas in the East are so far-flung, the battle strategy which this necessitates, and the peculiar qualities of the enemy, confront the courts-martial with problems which, being short-staffed, they cannot solve while hostilities are in progress, and until some degree of pacification has been achieved in the conquered areas, unless jurisdiction is confined, in the first instance, to its main task.

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"This is possible only if *the troops* take ruthless action themselves against any threat from the enemy population.

"For these reasons I herewith issue the following order effective for the area 'Barbarossa' (area of operations, army rear area, and area of political administration).

"I. *Treatment of offences committed by Enemy Civilians.*

"1. Until further notice the military courts and the courts-martial will not be competent for *crimes committed by enemy civilians.*

"2. Guerillas should be disposed of ruthlessly by the military, whether they are fighting or in flight.

"3. Likewise all other attacks by enemy civilians on the Armed Forces, its members and employees, are to be suppressed at once by the military, using the most extreme methods, until the assailants are destroyed.

"4. Where such measures have been neglected or were not at first possible, *persons suspected of criminal action will be brought at once before an officer. This officer will decide whether they are to be shot.*

"On the orders of an officer with the powers of at least a Battalion Commander, *collective despotic measures* will be taken without delay against *localities* from which cunning or malicious attacks are made on the Armed Forces, if circumstances do not permit of a quick identification of individual offenders.

"5. It is *expressly forbidden* to *keep* suspects in custody in order to hand them over to the courts after the reinstatement of civil courts.

"6. The C-in-Cs of the Army Groups may by agreement with the competent Naval and Air Force Commanders reintroduce *military jurisdiction for civilians*, in areas which are sufficiently settled.

"For the area of the 'Political Administration' this order will be given by the Chief of the Supreme Command of the Armed Forces.

"II. *Treatment of offences committed against inhabitants by members of the Armed Forces and its employees.*

"1. With regard to offences committed against enemy civilians by members of the Wehrmacht and its employees *prosecution is not obligatory* even where the deed is at the same time a military crime or offence.

"2. When judging such offences, it must be borne in mind,

whatever the circumstances, that the collapse of Germany in 1918, the subsequent sufferings of the German people and the fight against National Socialism which cost the blood of innumerable supporters of the movement, were caused primarily by Bolshevik influence and that no German has forgotten this fact.

"3. Therefore the judicial authority will decide in such cases whether a disciplinary penalty is indicated, or whether *legal measures* are necessary. In the case of offences against inhabitants it will order a *court martial* only if *maintenance of discipline* or *security of the Forces* call for such a measure. This applies for instance to serious offences originating in lack of self control in sexual matters, or in a criminal disposition, and to those which indicate that the troops are threatening to get out of hand. Offences which have resulted in senseless destruction of billets or stores or other captured material to the disadvantage of our Forces should as a rule be judged no less severely.

"*The order to institute proceedings* requires in every single case the signature of the Judicial Authority.

"4. *Extreme caution* is indicated in assessing the credibility of statements made by enemy civilians.

"III. *Responsibility of the Military Commanders.*

"Within their sphere of competence Military Commanders are *personally* responsible for seeing that:

"1. Every commissioned officer of the units under their command is instructed promptly and in the most emphatic manner on principles set out under I above.

"2. Their legal advisers are notified promptly of these instructions and of *verbal information in which the political intentions of the High Command were explained to C-in-Cs.*

"3. Only those court sentences are confirmed which are in accordance with the political intentions of the High Command.

"IV. *Security.*

Once the camouflage is lifted this decree will be treated as "Most Secret":

"By order
"Chief of the Supreme Command
of the Armed Forces

"(signed) Keitel" (C-50)

Less than three months after the invasion of the Soviet Union, these instructions were amplified and made even more drastic. An order dated 16 September 1941 and signed by Keitel, was wide-

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ly distributed (C-148). This order was of general application in all theaters of war, but was clearly of primary importance for the Eastern Front:

"Subject: Communist Insurrection in occupied territories.

"1. Since the beginning of the campaign against Soviet Russia, Communist insurrection movements have broken out everywhere in the areas occupied by Germany. The type of action taken is growing from propaganda measures and attacks on individual members of the Armed Forces, into open rebellion and widespread guerilla warfare.

"It can be seen that this is a mass movement centrally directed by Moscow, who is also responsible for the apparently trivial isolated incidents in areas which up to now have been otherwise quiet.

"In view of the many political and economic crises in the occupied areas, it must, moreover, be anticipated, that nationalist and other circles will make full use of this opportunity of making difficulties for the German occupying forces by associating themselves with the Communist insurrection.

"This creates an increasing danger to the German war effort, which shows itself chiefly in general insecurity for the occupying troops, and has already led to the withdrawal of forces to the main centers of disturbance.

"2. The measures taken up to now to deal with general insurrection movement have proved inadequate. The Fuehrer has now given orders that we take action everywhere with the most drastic means in order to crush the movement in the shortest possible time.

"Only this course, which has always been followed successfully throughout the history of the extension of influence of great peoples, can restore order.

"3. Action taken in this matter should be in accordance with the following general directions:

"a. It should be inferred, in every case of resistance to the German occupying Forces, no matter what the individual circumstances, that it is of Communist origin.

"b. In order to nip these machinations in the bud, the most drastic measures should be taken immediately on the first indication, so that the authority of the occupying Forces may be maintained, and further spreading prevented. In this connection it should be remembered that a human life in unsettled countries frequently counts for nothing and a deterrent effect can be attained only by unusual severity. The

death penalty for 50-100 Communists should generally be regarded in these cases as suitable atonement for one German soldier's life. The way in which sentence is carried out should still further increase the deterrent effect.

"The reverse course of action, that of imposing relatively lenient penalties, and of being content, for purposes of deterrence, with the threat of more severe measures, does not accord with these principles and should therefore not be followed."

* * * * *

"4. *The Commanding Officers in the occupied territories* are seeing to it that these principles are made known without delay to all military establishments concerned in dealing with Communist measures of insurrection."

"[Indecipherable initial]

"Keitel" (C-148)

The German military leaders took up, sponsored, and instructed their troops to practice the racial policies of the Nazis. On 10 October 1941 a directive was issued by Field Marshal von Reichenau, the Commander-in-Chief (*Oberbefehlshaber*) of the German 8th Army, then operating on the Eastern Front (UK-81). Reichenau (who died in 1942) was therefore a member of the group, and here is what he had to say:

"Subject: Conduct of Troops in Eastern Territories.

"Regarding the conduct of troops towards the bolshevistic system, vague ideas are still prevalent in many cases. The most essential aim of war against the Jewish-bolshevistic system is a complete destruction of their means of power and the elimination of Asiatic influence from the European culture. In this connection the troops are facing tasks which exceed the one-sided routine of soldiering. The soldier in the eastern territories is not merely a fighter according to the rules of the art of war but also a bearer of ruthless national ideology and the avenger of bestialities which have been inflicted upon German and racially related nations.

"Therefore the soldier must have full understanding for the necessity of a severe but just revenge on subhuman Jewry. The Army has to aim at another purpose, i.e., the annihilation of revolts in hinterland which, as experience proves, have always been caused by Jews.

"The combatting of the enemy behind the front line is still not being taken seriously enough. Treacherous, cruel partisans and unnatural women are still being made prisoners of war and guerilla fighters dressed partly in uniforms or plain

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clothes and vagabonds are still being treated as proper soldiers, and sent to prisoner of war camps. In fact, captured Russian officers talk even mockingly about Soviet agents moving openly about the roads and very often eating at German field kitchens. Such an attitude of the troops can only be explained by complete thoughtlessness, so it is now high time for the commanders to clarify the meaning of the present struggle.

"The feeding of the natives and of prisoners of war who are not working for the Armed Forces from Army kitchens is an equally misunderstood humanitarian act as is the giving of cigarettes and bread. Things which the people at home can spare under great sacrifices and things which are being brought by the Command to the front under great difficulties, should not be given to the enemy by the soldier not even if they originate from booty. It is an important part of our supply.

"When retreating the Soviets have often set buildings on fire. The troops should be interested in extinguishing of fires only as far as it is necessary to secure sufficient numbers of billets. Otherwise the disappearance of symbols of the former bolshevistic rule even in the form of buildings is part of the struggle of destruction. Neither historic nor artistic considerations are of any importance in the eastern territories. The command issues the necessary directives for the securing of raw materials and plants, essential for war economy. The complete disarming of the civil population in the rear of the fighting troops is imperative considering the long and vulnerable lines of communications. Where possible, captured weapons and ammunition should be stored and guarded. Should this be impossible because of the situation of the battle so the weapons and ammunition will be rendered useless. If isolated partisans are found using firearms in the rear of the army drastic measures are to be taken. These measures will be extended to that part of the male population who were in a position to hinder or report the attacks. The indifference of numerous apparently anti-Soviet elements which originates from a 'wait and see' attitude, must give way to a clear decision for active collaboration. If not, no one can complain about being judges and treated a member of the Soviet System.

"The fear of the German countermeasures must be stronger than the threats of the wandering bolshevistic remnants. Being far from all political considerations of the future the soldier has to fulfill two tasks:

"1. Complete annihilation of the false bolshevistic doctrine of the Soviet State and its armed forces.

"2. The pitiless extermination of foreign treachery and cruelty and thus the protection of the lives of military personnel in Russia.

"This is the only way to fulfill our historic task to liberate the German people once for ever from the Asiatic-Jewish danger.

"Commander-in-Chief

"(Signed) von Reichenau

"Field Marshal." (UK-81)

Immediately preceding Reichenau's order is a memorandum, dated 28 October 1941, which shows that Reichenau's order met with Hitler's approval and was thereafter circulated by order of the Commander-in-Chief of the German Army. It is also clear that Reichenau's order was thereafter circulated down to divisional level, and was received by the 12th Infantry Division on 27 November 1941. (UK-81)

These being the directives and policies prescribed by the German military leaders, it is no wonder that the *Wehrmacht* joined in the monstrous behavior of the SS and SD on the Eastern Front. Units (known as *Einsatzgruppen*) were formed by the SIPO and SD and sent out to operate in and behind the operational areas on the Eastern Front, in order to combat partisans and to "cleanse" and "pacify" the civilian population.

In a directive dated 19 March 1943, the Commanding Officer of one of these units praised and justified such activities as the shooting of Hungarian Jews, the shooting of children, and the total burning down of villages (3012-PS). The officer directed that in order not to obstruct the procuring of slave labor for the German armament industry,

"as a rule no more children will be shot" (3012-PS).

A report covering the work of the *Einsatzgruppen* in the German occupied territories of the Soviet Union during the month of October 1941 disregards every vestige of decency (R-102). It states cynically that, in the Baltic areas,

"spontaneous demonstrations against Jewry followed by pogroms on the part of the population against the remaining Jews have not been recorded, on account of the lack of adequate indoctrination" (R-102).

This report shows clearly that "pacification" and "anti-partisan activity" are mere code words for "extermination of Jews and Slavs" just as much as "*Weserubung*" was a code word for the invasion and subjugation of Norway and Denmark.

Documents quoted earlier show that the German Army was

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operating under similar policies and directives. It only remains to show that, in these practices, the Army and the SS worked hand in glove. The report describing the destruction of the Warsaw Ghetto (1061-PS) stresses the close cooperation between the SS and the Army:

"The longer the resistance lasted, the tougher the men of the *Waffen SS*, Police and *Wehrmacht* became; they fulfilled their duty indefatigably in faithful comradeship and stood together as models and examples of soldiers. Their duty hours often lasted from early morning until late at night. At night, search patrols with rags wound round their feet remained at the heels of the Jews and gave them no respite. Not infrequently they caught and killed Jews who used the night hours for supplementing their stores from abandoned dug-outs and for contacting neighboring groups or exchanging news with them." (1061-PS)

To the same general effect is a report dated 5 June 1943 by the German General Commissioner for Minsk (R-135). This report describes an anti-partisan operation in which 4,500 "enemies" were killed, 5,000 suspected partisans were killed, and 59 Germans were killed. The cooperation in this adventure by the German Army is shown in the following excerpt:

"The above mentioned figures show, that we have to count with a strong annihilation of the population. The fact that only 492 rifles were found on the 4,500 enemy dead, demonstrates that the numerous peasants from the country were also among the enemy dead. The battalion *Direwanger* is particularly known to have destroyed numerous human lives. Among the 5,000 partisan suspects who were shot, are numerous women and children.

"Units of the troops [*Wehrmannschaften*] also took part in the action, by order of SS Lt. General [*Obergruppenfuehrer*] von dem Bach. SA Colonel [*Standartenfuehrer*] Kunze led the troops [*Wehrmannschaften*], who included also 90 members of my authority and of the district-commissarate Minsk-Stadt. Our men returned yesterday from the action without any losses. I refuse the use of officials and Reich-Employees of the General Commissarate in the rear areas. The men who work for me have not been classified as essential, after all in order to fight the partisans actively in the place of the Armed Forces and the Police.

"Of the troops [*Wehrmannschaften*], one railroad employee had been wounded (shot through the lung). The political effect of this large scale action on the peaceful population had

been disastrous, because of the numerous executions of women and children. The town BEGOMIE was cleared by the Armed Forces and the Police in December. The population of Begomie was predominantly favorable to us. Begomie, which has been fortified as a strong point by the partisans, has been destroyed by German Air Attacks during the fighting." (R-135)

The SS *Obergruppenfuehrer* von dem Bach referred to in this quotation is mentioned in Himmler's speech to a gathering of SS generals at Posen on 4 October 1943 (1919-PS). In this speech Himmler announced the appointment of von dem Bach to be Chief of all anti-partisan units:

"In the meantime I have also set up the department of Chief of the Anti-partisan Units" [*Bandenkampf-Verbunde*]. Our comrade SS-*Obergruppenfuehrer* von dem Bach is Chief of the anti-partisan units. I considered it necessary for the Reichsfuehrer SS to be in authoritative command in all these battles, for I am convinced that we are best in a position to take action against this enemy struggle, which is a decidedly political one. Except where the units which had been supplied and which we had formed for this purpose were taken from us to fill in gaps at the front, we have been very successful.

"It is notable that, by setting up this department we have gained (p. 58) for the SS in turn a division, a corps, an army, and the next step, which is the High Command of an army or even of a group—if you wish to call it that." (1919-PS)

The report of *Einsatzgruppe A*, (L-180) covering the period up to 15 October 1941, makes clear beyond doubt the participation of the German military leaders and Armed Forces in these extermination policies:

"Action-Group A, after preparing their vehicles for action, proceeded to their area of concentration as ordered on 23 June 1941, the second day of the campaign in the East. Army Group North consisting of the 16th and 18th Armies and Panzer-Group 4 had left the day before. Our task was to hurriedly establish personal contact with the commanders of the Armies and with the commander of the army of the rear area. It must be stressed from the beginning that cooperation with the Armed Forces was generally good, in some cases, for instance with Panzer-Group 4 under Col. Gen. Hoepfner, it was very close, almost cordial. Misunderstand-

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ings which cropped up with some authorities in the first days, were cleared up mainly through personal discussions."

* * * * *

"Similarly, native anti-Semitic forces were induced to start pogroms against Jews during the first hours after capture, though this inducement proved to be very difficult. Following out orders, the Security Police was determined to solve the Jewish question with all possible means and most decisively. But it was desirable that the Security Police should not put in an immediate appearance, at least in the beginning, since the extraordinarily harsh measures were apt to stir even German circles. It had to be shown to the world that the native population itself took the first action by way of natural reaction against the suppression by Jews during several decades and against the terror exercised by the Communists during the preceding period."

* * * * *

"After the failure of purely military activities such as the placing of sentries and combing through the newly occupied territories with whole divisions, even the Armed Forces had to look out for new methods. The Action-Group undertook to search for new methods. Soon therefore the Armed Forces adopted the experiences of the Security Police and their methods of combatting the partisans. For details I refer to the numerous reports concerning the struggle against the partisans."

* * * * *

"1. Instigation of self-cleansing actions.

"Considering that the population of the Baltic countries had suffered very heavily under the government of Bolshevism and Jewry while they were incorporated in the USSR, it was to be expected that after the liberation from that foreign government, they (i.e., the population themselves) would render harmless most of the enemies left behind after the retreat of the Red Army. It was the duty of the Security Police to set in motion these self-cleansing movements and to direct them into the correct channels in order to accomplish the purpose of the cleansing operations as quickly as possible. It was no less important in view of the future to establish the unshakable and provable fact that the liberated population themselves took the most severe measures against the Bolshevik and Jewish enemy quite on their own, so that the direction by German authorities could not be found out. "In Lithouania this was achieved for the first time by parti-

san activities in Kowno. To our surprise it was not easy at first to set in motion an extensive pogrom against Jews. KLIMATIS, the leader of the partisan unit, mentioned above, who was used for this purpose primarily, succeeded in starting a pogrom on the basis of advice given to him by a small advanced detachment acting in Kowno, and in such a way that no German order or German instigation was noticed from the outside. During the first pogrom in the night from 25. to 26.6 the Lithouanian partisans did away with more than 1,500 Jews, set fire to several Synagogues or destroyed them by other means and burned down a Jewish dwelling district consisting of about 60 houses. During the following nights about 2,300 Jews were made harmless in a similar way. In other parts of Lithouania similar actions followed the example of Kowno, though smaller and extending to the Communists who had been left behind.

"These self-cleansing actions went smoothly because the Army authorities who had been informed showed understanding for this procedure. From the beginning it was obvious that only the first days after the occupation would offer the opportunity for carrying out pogroms. After the disarmament of the partisans the self-cleansing actions ceased necessarily.

"It proved much more difficult to set in motion similar cleansing actions in *Latvia*. Essentially the reason was that the whole of the national stratum of leaders had been assassinated or destroyed by the Soviets, especially in Riga. It was possible though through similar influences on the Latvian auxiliary to set in motion a pogrom against Jews also in Riga. During this pogrom all synagogues were destroyed and about 400 Jews were killed. As the population of Riga quieted down quickly, further pogroms were not convenient."

* * * * *

"5. *Other jobs of the Security Police.*

"1. Occasionally the conditions prevailing in the lunatic asylums necessitated operations of the Security Police. Many institutions had been robbed by the retreating Russians of their whole food supply. Often the guard and nursing personnel had fled. The inmates of several institutions broke out and became a danger to the general security; therefore in Aglona (Lithouania) 544 lunatics
in Mariampol (Lithouania) 109 lunatics and
in Magutowo (near Luga) 95 lunatics
were liquidated."

* * * * *

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"When it was decided to extend the German operations to Leningrad and also to extend the activities of Action Group A to this town, I gave orders on 18 July 1941 to parts of Action Detachments 2 and 3 and to the Staff of the Group to advance to Novosselje, in order to prepare these activities and to be able to advance as early as possible into the area around Leningrad and into the city itself. The advance of the forces of Action Group A which were intended to be used for Leningrad, was effected in agreement with and on the express wish of Panzer-Group 4."

* * * * *

"Action detachment of Action Group A of the Security Police participated from the beginning in the fight against the nuisance created by partisans. Close collaboration with the Armed Forces and the exchange of experiences which were collected in the fight against partisans, brought about a thorough knowledge of the origin, organization, strength, equipment and system used by the Red partisans as time went on." (L-180).

Certain affidavits, furnished by responsible officials in both the *Wehrmacht* and the SS, fill in much of the background for the documents quoted above. An affidavit (3710-PS) by Walter Schellenberg who, at the time under discussion, was an important official in the RSHA, states:

"In the middle of May 1941, as far as I remember, the Chief of Amt 4 of the RSHA (SS-Brigadefuehrer Mueller), in the name of the Chief of the RSHA (SS-Gruppenfuehrer Heydrich), held discussions with the Generalquartiermeister of the Army (General Wagner) about questions connected with the operations of the SIPO and SD within the bounds of the Field Army during the imminent campaign against Russia. Wagner could come to no agreement with Mueller and therefore asked Heydrich to send another representative. I was at that time Chief of Section E in Amt 4 of the RSHA under Chief of Amt Mueller and was sent by Heydrich to Wagner because of my experience in matters of protocol for the purpose of drawing up the final agreement. According to the instructions given to me, I was supposed to make sure that this agreement would provide that the responsible headquarters in the Army would be firmly obligated to give complete support to all activities of the Combat Groups and Combat Commandos of the SIPO and SD. I discussed the problem of this mutual relationship in great detail with Wagner. In accordance with this discussion I then presented him

with the completed draft of an agreement, which met with his full approval. This draft of an agreement was the basis for a final discussion between Wagner and Heydrich towards the end of May 1941.

"The contents of this agreement, as far as I remember, were substantially as follows. Its basis was the Fuehrer's command, mentioned at the very beginning of the agreement, that the SIPO and SD should operate within the combat elements of the Field Army, with the mission of utterly smashing all resistance in conquered front-line areas as well as in conquered rear supply zones by every means and as quickly as possible. The various areas were then set down in which the SIPO and SD were to be active and operating. The individual Combat Groups were then assigned to the army groups which were to take part in the campaign and the individual Combat Commandos to the respective armies which were to take part in the campaign.

"The Combat Groups and Combat Commandos were to operate in detail:

"1. In front-line areas: in complete subordination to the Field Army, tactically, functionally and administratively;

"2. In rear operational areas: in merely administrative subordination to the Field Army, but under command and functional control of the RSHA;

"3. In rear Army areas: arrangement as in 2;

"4. In areas of the civil administration in the East: same as in the Reich.

"The tactical and functional authority and responsibility of front-line headquarters of the Field Army over the Combat Commandos found no limitation in the agreement and therefore needed no further clarification.

"The agreement made it clear that the administrative subordination embraced not only disciplinary subordination but also the obligation for rear headquarters of the Field Army to support the Combat Groups and Combat Commandos in matters of supply (gasoline, rations, etc.) as well as in the use of the communications network.

"This agreement was signed by Heydrich and Wagner in my presence. Wagner signed it either 'acting for' or 'by order of' the OKH.

"After Wagner and Heydrich had affixed their signatures, both of them asked me to leave the room for half an hour. Just while leaving I heard how they both wanted to discuss in complete privacy the Fuehrer's command, which was ap-

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parently known in advance by each of them personally, and its far-reaching implications. After the half hour was over I was called in once more just to say goodbye.

"Today I read the 'Operational and Situational Report No. 6 of the Combat Groups of the SIPO and SD in the USSR (covering the period from 1 to 31 October 1941),' as well as the 'Comprehensive Report of Combat Group A up to 15 October 1941.' The whole substance of these reports shows that the prime mission of the Combat Groups and Combat Commandos of the SIPO and SD was to undertake and carry out mass executions of Jews, Communists and other elements of resistance. It is also clear from the above-cited 'Comprehensive Report,' which embraces no more than the first four months of these operations, that the cooperation of the respective *Oberbefehlshabers* with Combat Group A was 'in general good and in individual instances, for instance that of Panzergruppe 4 under Colonel General Hoepfner, very close, in fact almost cordial' (page 1). From an inclosure to this same report, bearing the title 'Summary of the Number of Executed Persons,' particularly from the figures arranged according to the successively conquered areas, it is evident that the SIPO and SD operated in front-line areas so as fully to carry out their prime function of conducting mass executions of all elements of resistance even from the very beginning of the advance against Russia. I acknowledge the reliability and authenticity of both of the above cited reports. Therefore I must today express my firm conviction that the *Oberbefehlshabers* of the army groups and armies which were to take part in the Russian campaign were accurately informed through the normal OKH channels of communication about the extensive future mission of the Combat Groups and Combat Commandos of the SIPO and SD as including planned mass executions of Jews, Communists and all other elements of resistance.

"In the beginning of June 1941 all of the Ic counter-intelligence officers, and, as far as I remember, all of the Ic officers of all army groups, armies, army corps and some of the divisions which were to take part in the coming Russian campaign were called in by Wagner, together with Heydrich and the Chief of the Amt for Counter-Intelligence Abroad in the OKW (Admiral Canaris) for a general conference in the OKW Building at Berlin. The responsible leaders of the Combat Groups and Combat Commandos of the SIPO and SD were for the most part likewise present. I was also there.

The essential substance and purpose of this meeting was to outline the military strategy against Russia and to announce the above-mentioned details of the written agreement reached by Wagner and Heydrich.

"This group of Ic counter-intelligence officers and Ic officers remained at Berlin a few days longer and was carefully instructed in several additional conferences, at which I was not present, about further details of the coming Russian campaign. I assume that these discussions were concerned with the exact delineation of the Fuehrer's command 'to smash utterly all resistance in occupied areas by every means and as quickly as possible,' including even planned mass executions of all elements of resistance. Otherwise the cooperation between the Field Army and the Combat Groups, which in the above-cited documents is clearly revealed as existing but a few weeks thereafter, could not in my opinion have been forthcoming. In any event there is hardly any reason to doubt that these Ic counter-intelligence officers, immediately upon their return from Berlin, accurately informed their own superiors, including all Oberbefehlshabers of the army groups and armies which were to march against Russia, about the full extent of the agreement."

"(signed) Walter Schellenberg

"26. XI. 45" (3710-PS)

Another affidavit which sheds light on the relations between the *Wehrmacht* and the SS at the top level with respect to anti-partisan warfare (3711-PS) is sworn to by Wilhelm Scheidt, a retired captain of the German Army who worked in the War History Section of OKW from 1941 to 1945:

"I, Wilhelm Scheidt, belonged to the War History Section of the OKW from the year 1941 to 1945.

"Concerning the question of partisan warfare I state that I remember the following from my knowledge of the documents of the Operations Staff of the OKW as well as from my conversations in the Fuehrer's headquarters with Generalmajor Walter Scherff, the Fuehrer's appointee for the compilation of the history of the war.

"Counterpartisan warfare was originally a responsibility of Reichsfuehrer-SS Heinrich Himmler, who sent police forces to handle this matter.

"In the years 1942 and 1943 however counter-partisan warfare developed to such an extent that the Operations Staff of the OKW had to give it particular attention. In the Army Operations Section of the Operations Staff of the OKW a

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specific officer was assigned the development of counter-partisan warfare as his special job. It proved necessary to conduct extensive operations against the partisans with *Wehrmacht* troops in Russian as well as Yugoslavian territory. Partisan operations for a long while threatened to cut off the lines of communication and transport routes that were necessary to support the German *Wehrmacht*. For instance, a monthly report concerning the attacks on the railroad lines in occupied Russia revealed that in the Russian area alone from 800 to 1,000 attacks occurred each month during that period, causing among other things, the loss of from 200 to 300 locomotives.

"It was a well-known fact that partisan warfare was conducted with cruelty on both sides. It was also well-known that reprisals were inflicted on hostages and communities whose inhabitants were suspected of being partisans or of supporting them. It is beyond question that these facts must have been known to the leading officers in the Operations Staff of the OKW and in the Army's General Staff. It was further well-known that Hitler believed that the only successful method of conducting counter-partisan warfare was to employ cruel punishments as deterrents.

"I remember that at the time of the Polish revolt in Warsaw, SS-Gruppenfuehrer Fegelein reported to Generaloberst Guderian and Jodl about the atrocities of the Russian SS-Brigade Kaminski, which fought on the German side."

"(Signed) Wilhelm Scheidt

"Retired Captain of the Reserve" (3711-PS)

The foregoing documents show the arrangements which were made between the OKW, OKH and Himmler's headquarters with respect to anti-partisan warfare. They show conclusively that the plans and arrangements were made jointly, and that the High Command of the Armed Forces was not only fully aware of but an active participant in these plans. The same is true of the field commanders. General Roettiger, who attained the rank of General of Panzer Troops (the equivalent of a Lt. General in the American Army), has made three statements (3713-PS, 3714-PS). Roettiger was Chief of Staff of the German 4th Army, and later of Army Group Center, on the Eastern Front during the period of which he speaks:

"As Chief of Staff of the 4th Army from May 1942 to June 1943, to which was later added the area of the 9th Army, I often had occasion to concern myself officially with antipartisan warfare. During these operations the troops received

orders from the highest authority, as for example even the OKH, to use the harshest methods. These operations were carried out by troops of the Army Group and of the Army, as for example security battalions.

"At the beginning, in accordance with orders which were issued through official channels, only a few prisoners were taken. In accordance with orders, Jews, political commissars and agents were delivered up to the SD.

"The number of enemy dead mentioned in official reports was very high in comparison with our own losses. From the documents which have been shown to me I have now come to realize that the order from highest authorities for the harshest conduct of the antipartisan war can have been intended to make possible a ruthless liquidation of Jews and other undesirable elements by using for this purpose the military struggle of the army against the partisans." (3713-PS)

Roettiger's second statement reads:

"Supplementary to my above declaration I declare:

"As I stated orally on 28 November, my then Commander-in-Chief of the Fourth Army instructed his troops many times not to wage war against the partisans more severely than was required at the time by the position. This struggle should only be pushed to the annihilation of the enemy after all attempts to bring about a surrender failed. Apart from humanitarian reasons we necessarily had an interest in taking prisoners since very many of them could very well be used as members of native volunteer units against the partisans.

"Alongside the necessary active combatting of partisans there was propaganda directed at the partisans and also at the population with the object, by peaceful means, of causing them to give up partisan activities. For instance, in this way the women too were continually urged to get their men back from the forests or to keep them by other means from joining the partisans. And this propaganda had good results. In the spring of 1943 the area of the 4th Army was as good as cleared of partisans. Only on its boundaries and then from time to time were partisans in evidence at times when they crossed into the area of the 4th Army from neighboring areas. The army was obliged on this account on the orders of the Army Group to give up security forces to the neighboring army to the south.

"(signed) Roettiger" (3713-PS)

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Roettiger's third statement reads:

"During my period of service in 1942/3 as chief of staff of the 4th Army of the Central Army Group, SD units were attached in the beginning, apparently for the purpose of counter-intelligence activity in front-line areas. It was clear that these SD units were causing great disturbances among the local civilian population with the result that my commanding officer therefore asked the commander-in-chief of the army group, Field Marshal von Kluge, to order the SD units to clear out of the front-line areas, which took place immediately. The reason for this first and foremost was that the excesses of the SD units by way of execution of Jews and other persons assumed such proportions as to threaten the security of the Army in its combat areas because of the aroused civilian populace. Although in general the special tasks of the SD units were well known and appeared to be carried out with the knowledge of the highest military authorities, we opposed these methods as far as possible, because of the danger which existed for our troops.

"(Signed) Roettiger" (3714-PS)

An extract from the War Diary of the Deputy Chief of the Armed Forces Operational Staff (Warlimont), dated 14 March 1943, deals with the problem of shipping off suspected partisans to concentration camps in Germany (1786-PS). It appears clearly from this extract that the Army was chiefly concerned with preserving a sufficient severity of treatment for suspected partisans, without at the same time obstructing the procurement of labor from the occupied territories:

"The General Quartermaster [*General Quartiermeister*] together with the Economic Staff (East) [*Wirtschaftsstab Ost*] has proposed that the deportees should be sent either to prison camps or to 'training centres in their own area,' and that deportation to Germany should take place only when the deportees are on probation and in less serious cases.

"In view of the Armed Forces Operations Staff [*Wehrmachtfuehrungstab*] this proposal does not take sufficient account of the severity required and leads to a comparison with the treatment meted out to the 'peaceful population' which has been called upon to work. He recommends therefore transportation to concentration camps in Germany which have already been introduced by the Reichsfuehrer SS for his sphere and which he is prepared to introduce for the Armed Forces [*Wehrmacht*] in the case of an extension to the province of the latter. The High Command of the Armed Forces [*Ober-*

kommando der Wehrmacht] therefore orders that partisan helpers and suspects who are not to be executed should be handed over to the competent Higher SS and Police Leader [*Hoehrer SS und Polizeifuehrer*] and orders that the difference between 'punitive work' and 'work in Germany' is to be made clear to the population." (1786-PS)

A final group of four affidavits show that the SD *Einsatzgruppen* on the Eastern Front operated under the command and with the necessary support of the *Wehrmacht*, and that the nature of their activities were fully known to the *Wehrmacht*. The first of these is a statement (3715-PS) by Ernst Rode, who was an SS Brigadefuehrer and Generalmajor of the Police, and was head of Himmler's personal command staff from 1943 to 1945:

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"I, Ernst Rode, was formerly chief of the Command Staff of the Reichsfuehrer-SS, having taken over this position in the spring of 1943 as successor to former SS-Obergruppenfuehrer Kurt Knoblauch. My last rank was Generalmajor of Police and of the Waffen-SS. My function was to furnish forces necessary for antipartisan warfare to the higher SS and police leaders and to guarantee the support of army forces. This took place through personal discussions with the leading officers of the Operations Staff of the OKW and OKH, namely with General Warlimont, General von Buttlar, Generaloberst Guderian, Generaloberst Zeitzler, General Heusinger, later General Wenk, Colonel Graf Kielmannsegg and Colonel v. Bonin. Since anti-partisan warfare also was under the sole command of the respective Army commander-in-chief in operational areas (for instance in the Central Army Group under Field Marshal Kluge and later Busch) and since police troops for the most part could not be spared from the Reichscommissariates, the direction of this warfare lay practically always entirely in the hands of the army. In the same way orders were issued not by Himmler but by the OKH. SS and police troops transferred to operational areas from the Reichscommissariates to support the army groups were likewise under the latter's command. Such transfers often resulted in harm to anti-partisan warfare in the Reichscommissariates. According to a specific agreement between Himmler and the OKH, the direction of individual operations lay in the hands of the troop leader who commanded the largest troop contingent. It was therefore possible that an army general could have SS and police under him, and on the other hand that army troops could be placed under a

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general of the SS and police. Anti-partisan warfare in operational areas could never be ordered by Himmler. I could merely request the OKH to order it, until 1944 mostly through the intervention of Generalquartiermeister Wagner or through State Secretary Ganzenmueller. The OKH then issued corresponding orders to the army groups concerned, for compliance.

"The severity and cruelty with which the intrinsically diabolical partisan warfare was conducted by the Russians had already resulted in Draconian laws being issued by Hitler for its conduct. These orders, which were passed on to the troops through the OKW and OKH, were equally applicable to army troops as well as to those of the SS and police. There was absolutely no difference in the manner in which these two components carried on this warfare. Army soldiers were exactly as embittered against the enemy as those of the SS and police. As a result of this embitterment orders were ruthlessly carried out by both components, a thing which was also quite in keeping with Himmler's desires or intentions. As proof of this the order of the OKW and OKH can be adduced, which directed that all captured partisans, for instance such as Jews, agents and political commissars, should without delay be handed over by the troops to the SD for special treatment. This order also contained the provision that in anti-partisan warfare no prisoners except the above named be taken. That anti-partisan warfare was carried on by army troops mercilessly and to every extreme I know as the result of discussions with army troop leaders, for instance with General Herzog, Commander of the XXXVIII Army Corps and with his chief of staff, Colonel Pamberg in the General Staff, both of whom support my opinion. Today it is clear to me that anti-partisan warfare gradually became an excuse for the systematic annihilation of Jewry and Slavism.

"(Signed) Ernst Rode" (3715-PS)

Another and shorter statement by Rode reads:

"As far as I know, the SD Combat Groups with the individual army groups were *completely subordinate* to them, that is to say tactically as well as in every other way. The commanders-in-chief were therefore thoroughly cognizant of the missions and operational methods of these units. They approved of these missions and operational methods because apparently they never opposed them. The fact that prisoners, such as Jews, agents and commissars, who were handed over to the SD underwent the same cruel death, as victims of so-

called 'purifications,' is a proof that the executions had their approval. This also corresponded with what the highest political and military authorities wanted. Frequent mention of these methods were naturally made in my presence at the OKW and OKH, and they were condemned by most SS and police officers, just as they were condemned by most army officers. On such occasions I always pointed out that it would have been quite within the scope of the authority of the commanders-in-chief of army groups to oppose such methods. I am of the firm conviction that an energetic and unified protest by all field marshals would have resulted in a change of these missions and methods. If they should ever assert that they would then have been succeeded by even more ruthless commanders-in-chief, this, in my opinion, would be a foolish and even cowardly dodge.

"(Signed) Ernst Rode" (3716-PS)

In an affidavit by Colonel Bogislav von Bonin, who at the beginning of the Russian campaign was a staff officer with the 17th Panzer Division, the following statement is made:

"At the beginning of the Russian campaign I was the first General Staff officer of the 17th Panzer Division which had the mission of driving across the Bug north of Brest-Litovsk. Shortly before the beginning of the attack my division received through channels from the OKW a written order of the Fuehrer. This order directed that Russian commissars be shot upon capture, without judicial process, immediately and ruthlessly. This order extended to all units of the Eastern Army. Although the order was supposed to be relayed to companies, the Commanding General of the XXXVII Panzer Corps (General of Panzer Troops Lemelsen) forbade its being passed on to the troops because it appeared unacceptable to him from military and moral points of view.

"(Signed) Bogislav v. Bonin

"Colonel" (3718-PS)

Finally an affidavit (3717-PS) by Heusinger, who was a Generalleutnant in the German Army, and who from 1940 to 1944 was Chief of the Operations Section at OKH, states as follows:

"1. From the beginning of the war in 1939 until autumn 1940 I was Ia of the Operations Section of the OKH, and from autumn 1940 until 20 July 1944 I was chief of that section.

"When Hitler took over supreme command of the Army, he gave to the chief of the General Staff of the Army the function of advising him on all operational matters in the Russian theater.

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"This made the chief of the General Staff of the Army responsible for all matters in the operational areas in the east, while the OKW was responsible for all matters outside the operational areas, for instance, all troops (security units, SS units, police) stationed in the Reichscommissariates.

"All police and SS units in the Reichscommissariates were also subordinate to the Reichsfuehrer-SS. When it was necessary to transfer such units into operational areas, this had to be done by order of the chief of the OKW. On the other hand, corresponding transfers from the front to the rear were ordered by the OKW with the concurrence of the chief of the General Staff of the Army.

"The high SS and police leaders normally had command of operations against partisans. If stronger army units were committed together with the SS and police units within operational areas, a high commander of the army could be designated commander of the operation.

"During anti-partisan operations *within* operational areas all forces committed for these operations were under the command of the respective commander-in-chief of the army group.

"2. Directives as to the manner and methods of carrying on counter-partisan operations were issued by the OKW (Keitel) to the OKH upon orders from Hitler and after consultation with Himmler. The OKH was responsible merely for the transmission of these orders to army groups, for instance such orders as those concerning the treatment to be accorded to commissars and communists, those concerning the manner of prosecuting by courts martial army personnel who had committed offenses against the population, as well as those establishing the basic principles governing reprisals against the inhabitants.

"3. The detailed working out of all matters involving the treatment of the local populace as well as anti-partisan warfare in operational areas, in pursuance of orders from the OKW, was the responsibility of the Generalquartiermeister of the OKH.

"4. It had always been my personal opinion that the treatment of the civilian population and the methods of anti-partisan warfare in operational areas presented the highest political and military leaders with a welcomed opportunity of carrying out their plans, namely the systematic extermination of Slavism and Jewry. Entirely independent of this, I always regarded these cruel methods as military insanity, be-

cause they only helped to make combat against the enemy unnecessarily more difficult.

“(Signed) Heusinger
“Generalleutnant.” (3717-PS)

(At this point, Erich von dem Bach-Zelewski was called upon for oral testimony. His testimony on direct examination was substantially to the same effect as his affidavit 3712-PS.)

(c) *Responsibility of the Group for War Crimes and Crimes Against Humanity: Counts 3 and 4 of the Indictment.* The foregoing evidence against the General Staff and High Command Group is such that no German soldier can view it with anything but shame. The German High Command developed and applied a policy of terror against commandos and paratroopers, in violation of the Hague and Geneva Conventions, on the Western Front. On the Eastern Front it descended to savagery. In advance of the attack against the Soviet Union, the High Command ordered the troops to take “ruthless action”, left it to the discretion of any officer to decide whether suspected civilians should be immediately shot, and empowered any officer with the powers of a Battalion Commander to take “collective despotic measures” against localities. Offenses committed against civilians by German soldiers, however, were not required to be prosecuted, and prosecution was suggested only where desirable in order to maintain discipline and security from a military standpoint.

Soon after the invasion of the Soviet Union, German troops were told by the OKW that “a human life in unsettled countries frequently counts for nothing” and were encouraged to observe a punitive ratio of 50 to 100 Communists for one German soldier. German troops were told that they were to take “revenge on sub-human Jewry” and that they were not merely soldiers but “bearers of ruthless national ideology and avengers of bestialities”. The High Command and the chief lieutenants of Himmler jointly planned the establishment of the *Einsatzgruppen*, the behavior of which has been shown in detail. These groups when in operational areas were under the command of the German Army, and German soldiers joined in their savagery. The *Einsatzgruppen* were completely dependent upon the Armed Forces for supplies with which to carry out their atrocities. The practices employed against the civilian population and against partisans were well known to all high ranking German officers on the Eastern Front. No doubt some of them disapproved of what was going on. Nonetheless, the full support of the military leaders continued to be given to these activities.

The record is clear that the General Staff and High Command

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Group, including the defendants, who were members of the Group and numerous other members ordered, directed, and participated in war crimes and crimes against humanity as specified in counts 3 and 4 of the Indictment.

C. Conclusion.

The world must bear in mind that the German High Command is not an evanescent thing, the creature of a decade of unrest, or a school of thought or tradition which is shattered or utterly discredited. The German High Command and military tradition have in the past achieved victory and survived defeat. They have met with triumph and disaster, and have survived through a singular durability not unmixed with stupidity. An eminent American statesman and diplomat, Mr. Sumner Welles, has written ("The Time for Decision", 1944, pp. 261-262) that:

"* * * the authority to which the German people have so often and so disastrously responded was not in reality the German Emperor of yesterday, or the Hitler of to-day, but the German General Staff.

"It will be said that this insistence that the German General Staff has been the driving force in German policy is a dangerous oversimplification. I am not disposed to minimize the importance of other factors in German history. They all have their place. But I am convinced that each of them has played its part only in so far as it was permitted to do so by the real master of the German race, namely, German militarism, personified in, and channelled through, the German General Staff."

* * * * *

"Whether their ostensible ruler is the Kaiser, or Hindenburg, or Adolf Hitler, the continuing loyalty of the bulk of the population is given to that military force controlled and guided by the German General Staff. To the German people, the army to-day, as in the past, is the instrument by which German domination will be brought about. Generations of Germans may pass. The nation may undergo defeat after defeat. But if the rest of the world permits it, the German General Staff will continue making its plans for the future."

The German General Staff and High Command is indicted not now at the bar of history, but on specific charges of crimes against International Law and the dictates of the conscience of mankind as embodied in the Charter. The picture that emerges from the evidence is that of a group of men with great powers for good

or ill who chose the latter; who deliberately set out to arm Germany to the point where the German will could be imposed on the rest of the world; and who gladly joined with the most evil forces at work in Germany. "Hitler produced the results which all of us warmly desired", Blomberg and Blaskowitz say, and that is obviously the truth. The converse is no less clear; the military leaders furnished Hitler with the means and might which were necessary to his mere survival, to say nothing of the accomplishment of those purposes which seem to the world so ludicrously impossible in 1932 and so fearfully imminent in 1942.

It was said above that the German militarists were inept as well as persistent. Helpless as Hitler would have been without them, he succeeded in mastering them. The generals and the Nazis were allies in 1933. But it was not enough for the Nazis that the generals should be voluntary allies; Hitler wanted them permanently and completely under his control. Devoid of political skill or principle, the generals lacked the mentality or morality to resist. On the day of the death of President Hindenburg in August 1934, the German officers swore a new oath. Their previous oath had been to the Fatherland; now it was to a man, Adolf Hitler. It was not until 18 days later that the law requiring this change was passed. A year later the Nazi emblem became part of their uniform and the Nazi flag their standard. By a clever process of infiltration into key positions, Hitler seized control of the entire military machine.

No doubt these generals will ask what they could have done about it. It will be said that they were helpless, and that to protect their jobs and families and their own lives they had to follow Hitler's decisions. No doubt this became true. But the generals were a key factor in Hitler's rise to complete power and a partner in his criminal aggressive designs. It is always difficult and dangerous to withdraw from a criminal conspiracy. Never has it been suggested that a conspirator may claim mercy on the ground that his fellow-conspirators threatened him with harm should he withdraw from the plot.

In many respects the spectacle which the German General Staff and High Command group presents today is the most degrading of all the groups and organizations charged in the Indictment. The bearers of a tradition not devoid of valour and honour, they emerge from this war stained both by criminality and ineptitude. Attracted by the militaristic and aggressive Nazi policies, the German generals found themselves drawn into adventures of a scope they had not foreseen. From crimes in which almost all of them participated willingly and approvingly were born others in which

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they participated because they were too ineffective to alter the governing Nazi policies, and because they had to continue collaboration to save their own skins.

Having joined the partnership, the General Staff and High Command group planned and carried through manifold acts of aggression which turned Europe into a charnel-house, and caused the Armed Forces to be used for foul practices foully executed of terror, pillage, murder and wholesale slaughter. Let no one be heard to say that the military uniform shall be their cloak, or that they may find sanctuary by pleading membership in the profession to which they are an eternal disgrace.

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO THE GENERAL STAFF AND HIGH COMMAND OF THE ARMED FORCES

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	trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
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*386-PS	Notes on a conference with Hitler in the Reich Chancellery, Berlin, 5 November 1937, signed by Hitler's adjutant, Hossbach, and dated 10 November 1937. (USA 25).....	III	295
*388-PS	File of papers on Case Green (the plan for the attack on Czechoslovakia), kept by Schmundt, Hitler's adjutant, April-October 1938. (USA 26).....	III	305
*444-PS	Original Directive No. 18 from Fuehrer's Headquarters signed by Hitler and initialled by Jodl, 12 November 1940, concerning plans for prosecution of war in Mediterranean Area and occupation of Greece. (GB 116).....	III	403
*446-PS	Top Secret Fuehrer Order No. 21 signed by Hitler and initialled by Jodl, Warlimont and Keitel, 18 December 1940, concerning the Invasion of Russia (case Barbarossa). (USA 31).....	III	407

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*509-PS	Telegram to OKW, 7 November 1943, reporting "special treatment" for three British commandos. (USA 547).....	III	433
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*526-PS	Top secret notice, 10 May 1943, concerning saboteurs captured and shot in Norway. (USA 502).....	III	434
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Chapter XVI

INDIVIDUAL RESPONSIBILITY OF DEFENDANTS

The crime of conspiracy is recognized, in various forms, in nearly every legal system. The Anglo-American doctrine of conspiracy, despite technical differences, is analogous in purpose to the Soviet notion of a "criminal gang" and the French *association de malfaiteurs*. German law, both before and after the Nazi seizure of power, also contained a similar concept. The fundamentals of the doctrine, common to most systems of law, are reflected in Article 6 of the Charter, which declares it a crime to participate in "the formulation or execution of a common plan or conspiracy" to plan or wage aggressive war, to commit War Crimes, or to commit Crimes against Humanity. Count I of the Indictment charges the existence of such a conspiracy on the part of the defendants, acting together with divers other persons.

The essence of conspiracy is the joining together of persons to pursue unlawful ends, by legal or illegal means, or to pursue lawful ends by illegal means. A conspiracy may exist even though the ends or means employed by the conspirators might have been perfectly legal if carried out by one person acting alone. The gravamen of the crime is association and acting in concert for the purpose of formulating and executing a common plan involving criminal ends or means.

Participation in a common plan or conspiracy results in vicarious liability, in the sense that each member of the conspiracy is liable for the acts of every other conspirator, even though he may have actually committed no criminal acts himself. He still may be adjudged criminal for mere participation in a common plan to pursue a common criminal purpose, regardless of disparities in the functions performed by individual conspirators.

Nevertheless, in order to prove the participation of a certain person in a conspiracy, his own acts must be considered. The roles played by the various members of the Nazi conspiracy are necessarily different. The following sections sketch in rough outline the parts played by each of the 22 defendants (excepting Sauckel and Speer who are discussed in Chapter X) and the former defendant and co-conspirator, Krupp von Bohlen und Halbach, in the conspiracy to commit Crimes against Peace, War Crimes against Humanity, as alleged in Count I of the Indictment. These sections are by no means exhaustive but merely indicate the general lines of a particular defendant's participation. Further and more detailed discussion of the parts played by the con-

spirators in particular phases of the conspiracy will be found under the pertinent subject matter in the preceding chapters.

1. HERMANN WILHELM GOERING

For more than two decades Hermann Goering played one of the foremost roles amongst the Nazi conspirators. He, who called himself the most faithful paladin of the Fuehrer, was a key figure within the conspiracy, participating in nearly all phases of the conspiratorial activities. He took part in the Munich Beer Hall putsch of 1923; he promoted Hitler's rise to power in 1933; he founded the Gestapo in 1933 and the concentration camps in 1934; and he created the German Luftwaffe, making it an instrument for aggressive war and using it to destroy other countries. As Plenipotentiary for the Four-Year Plan and chairman of the Ministerial Council for Defense, Goering became the Czar of German economy and administration and eventually the executive manager of the entire conspiracy.

The following list, the correctness of which has been certified by Goering and his attorney (2836-PS) is a partial statement of positions and offices held by him from 1922 to 1945:

1. Party member (1922-1945).
2. Supreme Leader of the SA (1923—November 1923).
3. Member of the Reichstag (1928).
4. President of the Reichstag (1932).
5. Prussian Minister of the Interior (1933-34).
6. Prussian Prime Minister (1933-45).
7. Prussian Chief of Secret State Police (1933-36).
8. Prussian Chief of State Council (1933-36).
9. Plenipotentiary for the Four-Year Plan (1936-45).
10. Reichsminister for Air (1933-45).
11. Commander-in-Chief of the Air Force (1935-45).
12. President of the Cabinet Council for the Defense of the Reich (1939-45).
13. Member of the Secret Cabinet Council (1938-45).
14. Reichsmarshall (1939-45).
15. Successor Designate to Hitler (1939-45).
16. Head of Reichswerke Hermann Goering (1938-45).
17. Head of Gestapo in Prussia (1933-34).

Goering was a member of and assisted in the Nazi conspiracy to commit crimes against peace, war crimes, and crimes against humanity, in the following ways:

A. CRIMES AGAINST PEACE.

- (1) *Acquisition and Consolidation of Power in Germany.*

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(a) *Before 1933.* Soon after joining the Party, Goering in 1923 was placed in command of the entire SA (2168-PS). In November 1923, he took part in the ill-fated attempt at Munich to gain control of the German State by force. In the encounter with the police, Goering was wounded and fled from Germany. (2532-PS)

After his return, Goering became more than a commander of street fighters. He was designated Hitler's first political assistant.

"The movement was conducted by the Fuehrer from Munich.

But one man has to act for him in Berlin, while Gauleiter Goebbels stirs up the masses and makes them ripe for National Socialism, a man on whom he could rely unconditionally to the same extent as if he acted himself. And thus, Hermann Goering became the political deputy of Adolf Hitler."

(3252-PS)

Goering's official biographer, the Ministerial Dirgent Gritzbach, tells of his dealings with the Bruening government, his attempts to "break down the barrier" around the Reich President, von Hindenburg, and of his "coup" as Reichstag President in September 1932 in procuring a vote of nonconfidence against the Papen government just before the Reichstag could be dissolved (3252-PS). Goering says in his own book, *Aufbau einer Nation*:

"The moment was unforgettable for me who have gone back and forth as representative so often between the Kaiserhof and the Wilhelmstrasse during the past year, when I hurried out to my car and could report to the questioning masses as the first one: 'Hitler has become Reich Chancellor.'"

(3251-PS)

Goebbels also gave him full measure of credit:

" 'This is surely Goering's happiest hour,' wrote Dr. Goebbels in his book *Von Kaiserhof zur Reichskanzlei*, and, quoting from it, said: that 'Goering prepared diplomatically and politically in a long lasting all hard struggle the basis for Hitler's rise.' (3252-PS.)

In a letter written in 1935, Hitler summarized Goering's contributions as follows:

"My dear Goering: When in November 1923 the Party tried for the first time to conquer the power of the State, you as Commander of the SA created within an extraordinarily short time that instrument with which I could bear that struggle. Highest necessity had forced us to act, but a wise providence at that time denied that success. After receiving a grave wound you again entered the ranks as soon as circumstances permitted as my most loyal comrade in the battle for

power. You contributed essentially to creating the basis for the 30th of January. Therefore, at the end of a year of the National Socialist Revolution, I desire to thank you wholeheartedly, my dear Party Comrade Goering, for the great values which you have for the National Socialist Revolution and consequently, for the German people. In cordial friendship and grateful appreciation.

Yours,
Adolf Hitler."
(3259-PS)

Goering himself has boasted:

"Numerous titles and honors have been bestowed on me during the past months, and still no title and no decoration could make me so proud, as the designation, given to me by the German people: 'The most faithful paladin of our Fuehrer.' In that, my relationship to the Fuehrer finds expression. I followed him for over a decade with unreserved faith, and I will follow him with the same unconditional faith until my end." (3251-PS)

(b) *Prussia, 1933-36.* Immediately after the 30th of January 1933, Goering was awarded the key post of acting Prussian Minister of the Interior, and shortly thereafter, that of Minister President of Prussia. In these capacities, he proceeded promptly to establish a regime of terror in Prussia designed to suppress all opposition to the Nazi program.

His chief tool was the Prussian police, which remained under his jurisdiction until 1936. As early as February 1933, he ordered the entire police forces to render unqualified assistance to the para-military organizations supporting the new government, such as the SA and the SS, and to crush all political opponents with firearms, if necessary, regardless of the consequences. (Directive of 10 February 1933, Ministerialblatt fuer die Preussische innere Verwaltung 1933, p. 148; Directive of 17 February 1933, *id.*, p. 169). Goering has frequently and proudly acknowledged his own personal responsibility for the crimes committed pursuant to orders of this character:

"I declared at that time before thousands of fellow Germans, each bullet which leaves the barrel of a police pistol now is my bullet. If one calls this murder, then I have murdered; I ordered all this, I back it up. I assume the responsibility, and I am not afraid to do so." (2324-PS; 3252-PS.)

Soon after he became Prussian Minister President, Goering began to develop the Gestapo, or Secret State Police. To quote from his own book:

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"The most important thing for me was first, to get the instrument of power of the protective police and political police firmly in my hand. Here I undertook the first sweeping changes of personnel. Of the 32 available colonels of the protective police, I dismissed 22. Hundreds of officers and thousands of sergeants followed them in the course of the next months. New forces were procured, and everywhere, these forces were taken out of the large reserve pool of the SA and the SS.

"For weeks, I personally worked on this transformation, and finally I created alone and from my own conviction and own thought the 'Secret State Police Office'. That instrument, feared so much by the enemies of the state, which above all has contributed so much, that today a Communist or Marxist danger in Germany or Prussia is hardly worth talking about anymore." (3251-PS)

In a public address delivered on 11 December 1934, Goering boasted:

"We were firmly determined after assumption of power to hit the Communists so that in Germany they would never recover from our blow. For that we do not require a Reichstag fire. That has been one of the most important points on our program. In the former Weimar Constitution the destruction of Communism was unthinkable. For the execution of these measures we needed the instrument of a through and through reliable, and of the highest degree powerful, police force. I have created this instrument through the reorganization of the field police (*Landespolizei*) and the formation of a Secret State Police. These organizations will constitute a means for implanting fear in all enemies of the State, which a State needs if it wishes to defend itself for always". (3440-PS)

On 26 April 1933 Goering signed the first law officially establishing the Secret State Police in Prussia (2104-PS). On 30 November 1933, Goering signed a law naming himself, as Prime Minister, Chief of the Prussian Secret State Police (2105-PS). He continued in this position until sometime in 1936, when Himmler secured control of all police in the Reich.

Men and women taken into custody by the Gestapo were thrown, without judicial or other form of trial, into concentration camps, which had been established in Prussia as early as the spring of 1933. (3252-PS; L-83.)

As explained by Goering in his own book:

"Against the enemies of the State, we must proceed ruthlessly. It cannot be forgotten, that at the moment of our rise to power, according to the official election figures of March 1933, six million people still confess their sympathy for Marxism. * * * Therefore the concentration camps have been created, where we have first confined thousands of Communists and Social Democrat functionaries. * * *" (2344-PS)

On 10 February 1936, Goering, as Prussian Minister President, signed a further basic law on the Prussian Secret State Police. Article 7 of this law provided:

"Orders in matters of the Secret State Police are not subject to the review of the administrative courts". (2107-PS)

Thus it was made quite clear by Goering's own law that those imprisoned in concentration camps without trial of any kind were to have no recourse to any court. On the same day Goering signed a decree for the execution of the foregoing law, which further acknowledged his responsibility for Prussian concentration camps. Its provisions included the following:

"Art. 2 * * * (4) The Secret State Police Bureau administers the state concentration camps." (2108-PS)

The range of police terrorism under Goering's leadership was almost limitless. A glance at a few of his police directives in these early days will indicate the extent and thoroughness with which every dissident voice was silenced:

Directive of 22 June 1933 (Ministerial-Blatt fuer die Preussische innere Verwaltung, 1933, p. 731): Ordered all officials to watch the statements of employees of the Prussian civil service and to denounce to Goering those who made critical remarks ("Miesmacher"); failure to do so regarded as proof of hostile attitude.

Directive of 23 June 1933 (Ministerial-Blatt fuer die Preussische innere Verwaltung, 1933, p. 749): Suppressed all activities of the Social Democratic Party, including meetings and press, and ordered confiscation of its property.

Directive of 30 June 1933 (Ministerial-Blatt fuer die Preussische innere Verwaltung, 1933, p. 793): Ordered the Gestapo authorities to report to the Labor Trustees on political attitudes of workers, particularly in cases of criticism of the regime.

Directive of 15 January 1934 (Ministerial-Blatt fuer die Preussische innere Verwaltung, 1933, p. 137): Ordered the Gestapo and frontier police to keep track of and to watch emigres, particularly political emigres and Jews, residing in

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neighboring countries, and ordered them arrested and put into concentration camps if they returned to Germany.

After the elimination of the forces of the opposition, the Nazis felt it necessary to dispose of nonconformists within their own ranks. During the Roehm purge of 30 June 1934, many people were murdered who had nothing to do with the internal SA revolt but were just "not liked very well" (2950-PS). Goering's role in this bloody affair was related less than two weeks later by Hitler in a speech to the Reichstag:

"Meanwhile Minister President Goering had previously received my instructions that in case of a purge, he was to take analogous measures at once in Berlin and in Prussia. With an iron fist he beat down the attack on the National Socialist State before it could develop." (3442-PS)

(c) *The Reich, 1933-39.* Meanwhile, in the central Reich government, Goering occupied a series of the highest and most influential positions. The broad powers which devolved upon him made him, under Hitler, the Chief Executive of the Nazi State.

With the accession to power, Goering retained the somewhat empty title of Reichstag President but was also appointed Minister Without Portfolio and became a cabinet member. When in an early meeting (15 March 1933) the cabinet discussed the pending Enabling Act (which gave the Cabinet plenary powers of legislation) he offered the suggestion that the required two-thirds majority might be obtained simply by refusing admittance to the Social Democratic delegates (2962-PS). He became Reich Air Minister in May 1933 (2089-PS). In his capacity as Air Minister and Supreme Commander of the Luftwaffe, he sat as a member of and the Fuehrer's deputy on the Reich Defense Council, which was established by the secret law of 21 May 1933 and continued by the secret law of 4 September 1938 (2261-PS; 2194-PS). This Council was a war planning group whose purpose was "to plan preparations and decrees in case of war which later on were published by the Ministerial Council for the Defense of the Reich." (2986-PS)

In 1936, Goering was made Plenipotentiary for the Four-Year Plan and acquired plenary legislative and administrative powers over all German economic life. (1862-PS)

Goering was a member of the Secret Cabinet Council established in 1938 to act as "an advisory board in the direction of foreign policy" (2031-PS).

The Ministerial Council for the Defense of the Reich, created in 1939, took over, in effect, all the legislative powers of the Cabinet

which had not been reserved to Hitler's personal control or to Goering as the Delegate for the Four-Year Plan. Goering became the Chairman of this Council. (2018-PS)

Finally, as the invading Nazi armies marched into Poland, Hitler announced the designation of Goering as successor designate, the heir apparent of the "New Order."

(d) *Economic Preparation for War, 1933-1939.*

In April 1936, Goering was appointed Coordinator for Raw Materials and Foreign Exchange and empowered to supervise all State and Party activities in these fields (2827-PS). In this capacity he convened the War Minister, the Minister of Economics, the Reich Finance Minister, the President of the Reichsbank, and the Prussian Finance Minister to discuss inter-agency problems connected with war mobilization. At a meeting of this group on 12 May 1936, when the question of the prohibitive cost of synthetic raw material substitutes arose, Goering said:

"If we have war tomorrow, we must help ourselves by substitutes. Then money will not play any role at all. If that is the case, then we must be ready to create the prerequisites for that in peace." (1301-PS)

At a subsequent meeting of the same men on 27 May 1936, Goering suggested a program of plant construction for the production of synthetic substitutes but warned against the financial strain involved in excessive overexpansion. He opposed any limitations dictated by orthodox financial policy and stated:

"All measures are to be considered from the standpoint of an assured waging of war.

"Ready reserves must ordinarily be accumulated already in peace in certain amounts." (1301-PS).

On the Nurnberg Party Day in the fall of 1936, Hitler proclaimed the establishment of the Four-Year Plan, a comprehensive program of national self-sufficiency, and announced the appointment of Goering as "Plenipotentiary" in charge. In October, a decree was promulgated which implemented this announcement and provided for the execution of the plan. (1862-PS)

It is clear from Goering's own statements in an interrogation on 25 June 1945 that the purpose of the Plan was to place Germany on a war footing economically:

"Goering: 'My job was to organize the German economy and my energy was put to work to get things started and carried through * * *. My main task was to secure the food supply for Germany for many years ahead and to make Germany self-sufficient. The most important items were iron,

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petroleum and rubber. * * * The industry only wanted to have very high grade Swedish iron for business reasons. There was danger that during the war Germany would not be able to get iron from Sweden and there would be no iron.' Interrogator: 'What war are you talking about? This is 1936 you're speaking of.'

Goering: 'Any possibility of war. Perhaps with Russia, or in case there was war with anyone at any time and anywhere.'

When asked the reasons why the Four-Year Plan lost importance in 1942, Goering explained that his preoccupation with the Air Force did not allow him the necessary concentration on the affairs of the Four-Year Plan, and stated:

"The main task of the Four-Year Plan had been accomplished. This task was to get Germany ready."

These answers confirm the comment Goering made in 1936, that his chief task as Plenipotentiary for the Four-Year Plan was "to put the whole economy on a war footing within four years." (EC-408) As Plenipotentiary for the Four-Year Plan, Goering was virtually the economic dictator for Germany with control over all other interested Reich agencies. He was the "boss of the economy," and all important decisions had to be referred to him.

Two important conferences show clearly how Goering inspired and directed the preparation of the German economy for aggressive war. On 8 July 1938 he addressed a number of leading German aircraft manufacturers, explained the political situation, and laid the groundwork for a vast increase in aircraft production. After stating that war with Czechoslovakia was imminent and boasting that the German air force was already superior in quality and quantity to the English, he continued:

"If Germany wins the war, she will be the greatest power in the world, dominating the world market, and Germany will be a rich nation. For this goal, risks must be taken. The only thing that matters is increased output regarding quantity and quality. Even if the manufacturers know that their present policies may mean their bankruptcy within three years, they will have to do it all the same * * * I want you to be perfectly resolved, today already, how you will run your business when war comes. The earlier the manufacturers make their preparations for mobilization today, the less danger there will be of work being held up. It must be determined for every worker whether he is essential for production upon outbreak of war, and measures must be taken to

secure his deferment in case of mobilization. (3441-PS). An executive will be put in charge to work on nothing but the complete preparation of each plant for mobilization day." (R-140)

A few weeks after the Munich agreement, on 14 October 1938, another conference was held in Goering's office. He began with the statement that Hitler had instructed him to organize a gigantic armament program which would make insignificant all previous achievements. He indicated that he had been ordered to build as rapidly as possible an air force five times as large, to increase the speed of Army and Navy armament, and to concentrate on offensive weapons, principally heavy artillery and heavy tanks. He then proposed a specific program designed to accomplish these ends. (1301-PS)

(e) *Military Mobilization for War.* In his dual role as Reich Air Minister and Commander-in-Chief of the German Air Force, it was Goering's function to develop the Luftwaffe to practical war strength. As early as March 1935 Goering frankly announced to the world that he was in the process of building a true military air force:

"After the German government expressed willingness to help, it became necessary to make a clear demarcation within German aviation, namely in this respect: which air force will be able to be made available? This situation brought about the decision as to those of the German aviation who will in future belong to the Air Force and those who will in future remain in civil aviation or in sport aviation. It was necessary to mark this separation also outwardly, so that the members of the German Air Force became soldiers according to the law and their leaders became officers." (2292-PS)

Two months later, in a speech to 1,000 Air Force officers, Goering spoke in a still bolder vein:

"I repeat: I intend to create a Luftwaffe which, if the hour should strike, shall burst upon the foe like a chorus of revenge. The enemy must have a feeling of being lost already before even having fought. * * *"

In the same year, he signed his name to the Conscription Law which provided for compulsory military service and constituted an act of defiance on the part of Nazi Germany in violation of the Versailles Treaty. (1654-PS)

Goering's statements during this period left no doubt in the minds of Allied diplomats that Germany was engaged in full mobilization of air power for an impending war.

"Goering and Milch often said to me or in my presence that

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the Nazis had decided to concentrate on air power as the weapon of terror most likely to give Germany a dominant position and the weapon which could be developed the most rapidly and in the shortest time . . . High ranking Nazis with whom I had to maintain official contact, particularly men such as Goering, Goebbels, Ley, Frick, Frank, Darrè and others, repeatedly scoffed at my position as to the binding character of treaties and openly stated to me that Germany would observe her international undertakings only so long as it suited Germany's interests to do so." (2335-PS)

(2) *The Launching of Aggressive War.* Goering was the central figure in the preparation of Germany for military aggression. In German economic development and military growth he held the key positions throughout the prewar period. Although he held no official position in the field of foreign affairs, Goering also figured prominently in all of the major phases of Nazi international aggression between 1937 and 1941. As "No. 2 Nazi" he was a leading participant in every major plan of territorial aggrandizement or offensive military strategy.

Goering was the prompter and director of the diplomatic tragedy leading to the Austrian Anschluss. In the middle of November 1937, Mr. Bullitt, the American Ambassador to France, reported the following conversation with Goering:

"I asked Goering if he meant that Germany was absolutely determined to annex Austria to the Reich. He replied that this was an absolute determination of the German Government. The German Government at the present time was not pressing this matter because of certain momentary political considerations, especially in their relations with Italy; but Germany would tolerate no solution of the Austrian question other than the consolidation of Austria in the German Reich. He then added a statement which went further than any I have heard on this subject: He said, 'There are schemes being pushed now for a union of Austria, Hungary, and Czechoslovakia, either with or without a Hapsburg at the head of the unit. Such a solution is absolutely unacceptable to us, and for us the conclusion of such an agreement would be an immediate *casus belli*.'" (L-151)

When the time came, on 11 March 1938, Goering was in complete command. Throughout the afternoon and evening of that day he directed by telephone the activities of Seyss-Inquart, also of Keppler, Ullrich, and the other Nazi operatives in Vienna. (2949-PS; the pertinent portions of these telephone conversations have

already been referred to in Section 3 of Chapter IX on Aggression Against Austria.)

In the late afternoon Goering gave the following order to Seyss-Inquart:

"Now, remember the following: You go immediately together with Lt. General Muff and tell the Federal President that if the conditions which are known to you are not accepted immediately, the troops who are already stationed in and advancing to the frontier will march in tonight along the whole line, and Austria will cease to exist." (2949-PS)

Early the same evening he dictated to Seyss-Inquart the telegram which the latter was to send to Berlin requesting the Nazi Government to send German troops to "prevent bloodshed". Two days later he was able to call Ribbentrop in London and say:

"Yes, the last march into the Rhineland is completely overshadowed. The Fuehrer was deeply moved, when he talked to me last night. You must remember it was the first time that he saw his homeland again. Now, I merely want to talk about political things. Well, this story we have given an ultimatum, that is just foolish gossip." (2949-PS)

Goering played a similarly important role in the attack on Czechoslovakia. In March of 1938, at the time of the Anschluss with Austria, he had given a solemn assurance to the Czechoslovakian Minister in Berlin that the developments in Austria would in no way have a detrimental influence on the relations between Germany and Czechoslovakia, and had emphasized the continued earnest endeavor on the part of Germany to improve these mutual relations. In this connection, Goering used the expression: "*Ich gebe Ihnen mein Ehrenwort.* (I give you my word of honor)" (TC-27). On the other hand, in his address to German airplane manufacturers on 8 July 1938, he made his private views on this subject clear:

"Beyond this they fear that once we have pocketed Czechoslovakia, we will attack Hungary, the Romanian oil wells, etc. Moreover, since there are democratic countries on the one hand, and authoritarian ones on the other, there is enough inflammable matter in the world anyway. When, how and where this inflammable matter will explode, no one among us can say. It may happen within some months, but it may also take some years. At present, the situation is this that Czechoslovakia has promised the Sudeten Germans to meet them half way. I am convinced that they will satisfy no more than some of their unimportant demands. Such action on their part would probably suit our policy best, since in

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this case we could put the entire responsibility on England because she has engaged herself so deeply in this business." (*R-140*)

On 14 October 1938, shortly after the Munich agreement, Goering gave his views on the Czechoslovakian question at a conference in the Air Ministry:

"The Sudetenland has to be exploited with all the means. General Field Marshal Goering counts upon a complete industrial assimilation of the Slovakia. Czech and Slovakia would become German dominions. Everything possible must be taken out. The Oder-Danube Canal has to be speeded up. Searches for oil and ore have to be conducted in Slovakia, notably by State Secretary Keppler." (*1301-PS*)

Meanwhile, he was deceiving the representatives of the puppet Slovakian government to the same end:

"The Field Marshal considers that the Slovak negotiations toward independence are to be supported in a suitable manner. Czechoslovakia without Slovakia is still more at our mercy." (*2801-PS*)

In the following year, with the rape of Czechoslovakia complete Goering frankly stated what Germany's purpose had been throughout the whole affair:

"In a rather long statement the field marshal explained that the incorporation of Bohemia and Moravia into the German economy had taken place, among other reasons to increase the German War potential by exploitation of the industry there." (*R-133*)

Goering was also a moving force in the later crimes against the peace. As the successor designate to Hitler, as Chief of the Air Forces, and as economic czar of Greater Germany, he was a party to all the planning for military operations of the Nazi forces in the East and the West. In the Polish affair, for example, it was Goering who in 1935 gave assurances to the Polish government that "there should be not the slightest fear in Poland that on the German side it (the German-Polish alliance) would not be continued in the future." Yet, four years later, Goering helped formulate plans for the invasion of Polish territory.

With regard to the attack upon the Soviet Union, plans for the ruthless exploitation of Russian territory were made months in advance of the opening of hostilities. Goering was placed in charge of this army of spoliation, whose mission was that of "seizing raw materials and taking over all important concerns." (*1317-PS; 1157-PS.*)

These specific instances cover only a small part of Goering's

activities in the field of aggressive war. There follows a partial list of additional documents which demonstrate Goering's knowledge of and continued participation in the Nazi war program. They deal either with conferences on the highest war-planning levels which he attended, or with secret orders communicated to him outlining in advance the official plans for the execution of the successive acts of aggression.

Meetings and Conferences Attended:

Conference in Reichskanzlei, 5 November 1937, to outline the necessity for expanding German foreign policy; plans discussed for the acquisition of Austria and Czechoslovakia. (386-PS)

Entry in Jodl diary, 10 March 1938, referring to meeting attended by Goering and others at which the preparation of "Case Otto" and the mobilization of the army and the air force were ordered. (1780-PS)

Top secret conference with Hitler on 23 May 1939, the subject of which was indoctrination on the political situation and foreign aims. (L-79)

Meeting with Hitler, 22 August 1939, attended by commanders of the armed forces at which immediate plans for Polish invasion were discussed. (L-3, 798-PS, 1014-PS)

Hitler's speech to all military commanders on 23 November 1939, regarding the invasion of the low countries. (789-PS)

Meetings of 8 February 1941 and 27 March 1941, at which Hitler outlined the prospective operations against Yugoslavia and Greece. (1746-PS)

Orders and Other Directives Received:

Directive of Blomberg to the armed forces containing plans for military operations in the event that sanctions were applied against German withdrawal from League of Nations. (C-140)

Top secret directive of Blomberg of 2 May 1935, with plans for operation "Schulung" (the reoccupation of the Rhineland). (C-139)

Top secret letter from Blomberg dated 24 June 1935, enclosing copy of secret Reich Defense Law of 21 May 1935 and decision of Reich Cabinet of the same date. (2261-PS)

Order of Blomberg of 2 March 1936, giving the operational basis for the Rhineland occupation. (C-159)

Directives from Hitler and Keitel April to August 1939 on preparation and invasion of Poland. (C-120)

Operational file, "Fall Weiss," the code name for the Polish operation. (C-126)

Directive from GAF, dated 25 August 1938, regarding the acquisition of bases in the low countries. (375-PS)

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Directive No. 6 for the conduct of the war, dated 9 October 1939, signed by Hitler, and orders of Keitel, dated 15 November 1939, on the plans for "Fall Gelb", (operation in the West). (C-62)

Orders of the Supreme Command from 7 November 1939 to 9 May 1940, regarding the opening of the invasion in the West. (C-72)

Order of Hitler No. 8, 20 November 1939, for the execution of "Fall Gelb". (440-PS)

Operational plans signed by Keitel on 28 November 1939, on action near the French-Belgium borders. (C-10)

Entries in Jodl diaries from 1 February to 26 May 1940 confirming plans for invasion of the West. (1809-PS)

OKW orders, 27 January 1940, signed by Keitel on preparation for "Fall Weseruebung" (Invasion of Norway and Denmark). (C-63)

Fuehrer order of 1 March 1940 for the execution of "Fall Weseruebung." (C-174)

Most secret order from Hitler's headquarters, dated 19 February 1941, on plans for the invasion of Greece. (C-59)

Top secret operational order on "Case Barbarossa" (invasion of the Soviet Union), dated 13 March 1941, signed by Keitel. (447-PS)

Time table for "Case Barbarossa," signed by Keitel. (C-39)

Top secret memorandum of 29 October 1940, signed by Falkenstein, Luftwaffe liaison officer with OKW, discussing need for the seizure of air bases in the event of future war with the United States. (376-PS)

Basic order No. 24, dated 5 March 1941, signed by Keitel, regarding German collaboration with Japan. (C-75)

B. WAR CRIMES.

(1) *Forced Labor, Deportation, and Enslavement of Residents of Occupied Territories.*

The slave labor program of the Nazi conspirators had two criminal purposes. The first was to satisfy the labor requirements of the Nazi war machine by forcing residents of occupied countries to work in Germany, often directly in the German armament industry, and the second was to destroy or weaken the peoples of the occupied territories. Millions of foreign workers were taken to Germany, for the most part under pressure and generally by physical force. These workers were forced to labor under conditions of undescribable brutality and degradation, and

often they were used in factories and industries devoted exclusively to the production of munitions of war. (*See Chapter X on The Slave Labor Program.*)

Goering was at all times implicated in the slave labor program. Recruitment and allocation of manpower and determination of working conditions were included in his jurisdiction as Plenipotentiary for the Four-Year Plan, and from its beginning a part of the Four-Year Plan Office was devoted to such work. (1862-PS; 2827-PS.)

The defendant Goering was present at a meeting in Hitler's study on 23 May 1939 at which Hitler, after declaring his intention to attack Poland at the first suitable opportunity, said:

"If fate brings us into conflict with the West, the possession of extensive areas in the East will be advantageous. * * *

The population of non-German areas will perform no military service and will be available as a source of labor."

(L-79)

Soon after the fall of Poland, Goering as Plenipotentiary for the Four-Year Plan, began the enslavement of large numbers of Poles. On 25 January 1940, the defendant Frank, then Governor General of Poland, reported to Goering as follows:

"For the execution of the task of systematically placing the economic strength of the Generalgouvernement, within the framework of the Four-Year Plan, in the service of the German defense industry, I give the following

DIRECTIVES

"1. In view of the present requirements of the Reich for the defense industry, it is at present fundamentally impossible to carry on a long-term economic policy in the Generalgouvernement. Rather, it is necessary so to steer the economy of the Generalgouvernement that it will, in the shortest possible time, accomplish results representing the maximum that can be gotten out of the economic strength of the Generalgouvernement for immediate strengthening of our capacity for defense. * * *

"2. (g) Supply and transportation of at least 1 million male and female agricultural and industrial workers to the Reich—among them at least 7500 000 [sic] agricultural workers of which at least 50% must be women—in order to guarantee agricultural production in the Reich and as a replacement for industrial workers lacking in the Reich. * * *"

(1375-PS)

That orders for this enormous number of workers originated

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with the defendant Goering is clear from the following statement in Frank's Diary for 10 May 1940:

"Then the Governor General deals with the problem of the *Compulsory Labor Service* of the Poles. Upon the demands from the Reich it has now been decreed that compulsion may be exercised in view of the fact that sufficient manpower was not voluntarily available for service inside the German Reich. This compulsion means the possibility of arrest of male and female Poles. Because of these measures a certain disquietude had developed which, according to individual reports, was spreading very much, and which might produce difficulties everywhere. General Fieldmarshal Goering some time ago pointed out in his long speech the necessity to deport into the Reich a million workers. The supply so far was 160,000. However, great difficulties had to be overcome. Therefore it would be advisable to consult the district and town chiefs in the execution of the compulsion, so that one could be sure from the start that this action would be reasonably successful. The arrest of young Poles when leaving church service or the cinema would bring about an increasing nervousness of the Poles. Generally speaking, he had no objections at all if the rubbish, capable of work yet often loitering about, would be snatched from the streets. The best method for this, however, would be the organization of a raid, and it would be absolutely justifiable to stop a Pole in the street and to question him what he was doing, where he was working, etc." (2233-A-PS)

Goering was also responsible for the harsh treatment given these workers when they reached Germany. On 8 March 1940, as Plenipotentiary of the Four-Year Plan and as Chairman of the Cabinet Counsel for the Defense of the Reich, he issued a directive to the Supreme Reich authorities, entitled: "Treatment of male and female civilian workers of Polish Nationality in the Reich." In this directive Goering provided in part:

"The mass employment of male and female civilian workers of Polish nationality in the Reich necessitates a comprehensive ruling on treatment of these workers.

"The following orders are to be executed at once:

* * * * *

"4. The blameless conduct of the Poles is to be assured by special regulations. The legal and administrative regulations, necessary for this, will be issued by the Reichsfuehrer-SS and Chief of the German Police at the Reich Ministry of the Interior.

"6. Attention is drawn to the explanations enclosed as appendix." (R-148)

Attached to this directive, and also dated 8 March 1940, were a series of regulations issued by Himmler, as Reichfuehrer SS and Chief of the German Police. These regulations provided for stringent measures and discrimination against Polish workers in the Reich. In a covering Express Letter addressed to all State Police district-offices and State Police offices, also dated 8 March 1940, Himmler made clear what was intended in order to secure "blameless conduct". He stated:

"The steps to be taken to combat insubordination and non-compliance with the duty to work, must be decided according to the severity of the case and to the spirit of resistance of the offender. It is of most importance that they be taken immediately after the offense is committed so that they have a decisive effect. In accordance with my instructions in the appended decrees, especially severe measures must be taken during the first eight weeks, in order to bring home to the workers of Polish nationality from the outset the consequences of noncompliance with the orders issued. * * *

"In general, in all cases where a warning, by the State Police or a short imprisonment is not sufficient to induce the worker to fulfill his duties, application is to be made for his transfer to a labor training camp, and an opinion given on what treatment he should receive there. The treatment in the labor training camps will have to be in accordance with the severity of the offense. It is suitable, e. g., to make obstinate shirkers work in the stone-quarries of the Mauthausen camp. By a special decree, to the heads of SS-Deathhead Units and concentration camps, I have ordered that the treatment of these persons under protective custody be undertaken in a concentration camp.

"Extraordinarily serious cases have to be reported to the Chief of the Security Police and the SD who, after examination, make the decision on a special treatment of the workers of Polish nationality in question." (R-148)

On 29 January 1942 the Division for the Employment of labor in the Four-Year Plan Office issued a circular, signed by Dr. Mansfeld, the General Delegate for Labor Employment in the Four-Year Plan Office, and addressed to various civilian and military authorities in the occupied territories, explaining the various means to be used to force workers to go to Germany. The circular provides in part:

"Subject: Increased mobilization of man-power for the Ger-

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man Reich from the occupied territories and preparations for mobilization by force.

"On the one hand, the labor shortage which was rendered more acute by the draft for the Wehrmacht, and on the other hand, the increased scope of the armament problem in the German Reich, render it necessary that manpower for service in the Reich be recruited from the occupied territories to a much greater extent than heretofore, in order to relieve the shortage of labor. Therefore, any and all methods must be adopted which make possible the transportation, without exception and delay, for employment in the German Reich, of manpower in the occupied territories which is unemployed or which can be released for use in Germany after most careful screening.

"This mobilization shall first of all, as heretofore, be carried out on a voluntary basis. For this reason, the recruiting effort for employment in the German Reich must be strengthened considerably. But if satisfactory results are to be obtained, the German authorities, who are functioning in the occupied territories, must be able to exert any pressure necessary to support the voluntary recruiting of labor for employment in Germany. Accordingly, to the extent that may be necessary, the regulations in force in the occupied territories in regard to shift in employment and withdrawal of support upon refusal to work, must be tightened. Supplementary regulations concerning shift in employment must above all insure that older personnel who are freed must be exchanged for younger personnel to make up for it, so that the latter may be made available for the Reich. A far-reaching decrease in the amount of relief granted by Public Welfare must also be effected in order to induce laborers to accept employment in the Reich. Unemployment relief must be set so low that the amount in comparison with the average wages in the Reich and the possibilities there for sending remittances home may serve as an inducement to accept employment in the Reich. When refusal to accept work in the Reich is not justified, the compensation must be reduced to an amount barely enough for subsistence, or even be cancelled. In this connection, partial withdrawal of ration cards and assignment to particularly heavy obligatory labor may be considered.

"However, all misgivings must give way before the necessity of supplying the deficit in manpower caused by excessive draft calls into the Armed Forces, in order to avoid detri-

ment to the armament industry. For this purpose the forcible mobilization of workers from the occupied territories cannot be disregarded, in case the voluntary recruiting is unsuccessful. The mere possibility of mobilization by force will, in many cases, make recruiting easier.

"Therefore, I ask you immediately to take any measures in your district which will promote the employment of workers in the German Reich on a voluntary basis. I herewith request you to prepare for publication regulations applying to forced mobilization of laborers from your territory for Germany, so that they may be decreed at once, in case recruiting on a voluntary basis will not have the desired result, that is relief of the manpower shortage in the Reich. I request you to inform me of the measures taken by you." (1183-PS)

On 21 March 1942, Hitler promulgated a decree appointing Sauckel Plenipotentiary General for Man Power. This decree provided in part:

"In order to secure the manpower requisite for the war industries as a whole, and particularly for armaments, it is necessary that the utilization of all available manpower, including that of workers recruited [erwerben] abroad and of prisoners of war, should be subject to a uniform control, directed in a manner appropriate to the requirements of war industry, and further that all still incompletely utilized manpower in the Greater German Reich, including the Protectorate, and in the General Government and in the occupied territories, should be mobilized.

"Reichsstatthalter and Gauleiter Fritz Sauckel will carry out this task within the framework of the Four-Year Plan, as plenipotentiary general, for the employment of manpower. In that capacity he will be directly responsible to the Commissioner for the Four-Year Plan." (1666-PS)

On 27 March 1942, Goering, as Plenipotentiary for the Four-Year Plan, issued a decree in pursuance of the Fuehrer's decree of 21 March 1942. This decree provided:

"In pursuance of the Fuehrer's Decree of 21 March 1942 (RGBl I, 179), I decree as follows:

"1. My manpower sections (*Geschaeftsgruppen Arbeitseinsatz*) are hereby abolished (circular letter of 22 Oct 1936/St M. Dev. 265). Their duties (recruitment and allocation of manpower, regulations for labor conditions (*Arbeitsbedingungen*)) are taken over by the Plenipotentiary General for Arbeitseinsatz, who is directly under me.

"2. The Plenipotentiary General for Arbeitseinsatz will be

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responsible for regulating the conditions of labor (wage policy) employed in the Reich Territory, having regard to the requirements of Arbeitseinsatz.

"3. The Plenipotentiary General for Arbeitseinsatz is part of the Four-Year Plan. In cases where new legislation is required, or existing laws required to be modified, he will submit appropriate proposals to me.

"4. The Plenipotentiary General for Arbeitseinsatz will have at his disposal for the performance of his task the right delegated to me by the Fuehrer for issuing instructions to the higher Reich authorities, their branches and the Party offices, and their associated organisms and also the Reich Protector, the General Governor, the Commander-in-Chief, and heads of the civil administrations. In the case of ordinances and instructions of fundamental importance a report is to be submitted to me in advance." (1666-PS)

Since Sauckel was an authority of the Four-Year Plan, it is clear that Goering remains responsible for the war crimes committed by Sauckel as Plenipotentiary-General for Manpower. (See Chapter X on The Slave Labor Program.)

(2) *Employment of Prisoners of War in War Industry.* The Nazi conspirators ordered prisoners of war to work under dangerous conditions, and in the manufacturing and transportation of arms or munitions, in violation of the Laws of War and of Articles 31 and 32 of the Geneva Convention of 27 July 1929 on Prisoners of War. (See Chapter X on The Illegal Use of Prisoners of War.)

Goering had a part in these crimes. At a conference on 7 November 1941, the subject of which was the employment of Russians, including Russian prisoners of war, it appears from a memorandum signed by Koerner, State Secretary to the defendant Goering as Plenipotentiary for the Four-Year Plan, that Goering gave the following directives for use of Russians as laborers:

"I. *The stronger labor reserves in the zone of the interior are also decisive for the war.*

"The Russian workers have proved their productive capacity during the development of the huge Russian industry. Therefore it must be made available to the Reich from now on. Objections against this order of the Fuehrer are of the secondary nature. The disadvantages which can be created by the Arbeitseinsatz have to be reduced to a minimum: the task especially of counter-intelligence and security police.

"II. *The Russian in the zone of operations.*

"He is to be employed particularly in building roads and railroads, in clearing work, clearing of mines and in building airports. The German construction battalions have to be dissolved to a great extent (Example: Air Forces!); the German skilled workers belong to the war industry; it is not their task to shovel and to break stones, the Russian is there for that."

* * * * *

"IV. *The Russian in the Reich territory including the Protectorate.*

"The number of the employed depends on the requirement. By determining the requirement, it is to be considered that workers of other states who produce little and eat much are to be shipped out of the Reich and that in the future the German woman should come less into the foreground in the labor process. Beside the Russian prisoners of war, free Russian workers should also be used.

"A. *The Russian Prisoner of War.*

"1. The *selection* has to take place already in the collecting camps, beyond the Reich border. The profession and physical condition are decisive. At the same time screening as to nationality and according to the requirements of the security police and counter-intelligence must take place.

"2. The *transportation* has to be organized just as the selection and not improvised. The prisoners are to be forwarded rapidly. Their feeding should be orderly and their guarding unconditionally secured.

"3. *Officers* are to be excluded from the work as much as possible, *commissars* as a matter of principle.

"4. The Russian belongs in first line to the following *work places* (in order of priorities):

Mining.

Railroad maintenance (including repair shops and construction of vehicles).

War industry (tanks, artillery pieces, airplane parts).

Agriculture.

Building industry.

Large scale workshops (shoe shops!)

Special units for urgent, occasional and emergency work.

* * * * *

"B. *The Free Russian Worker.*

Employment and treatment, will not be handled in practice differently than for Russian prisoners of war. In both cate-

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gories, particularly good production can be acknowledged by a limited distribution of luxury items. Sufficient, adequate nourishment is also the main thing for the free workers." (1193-PS)

In a set of top secret notes on what was apparently the same conference, the following appears:

"NOTES

On outlines layed down by the Reichsmarschall in the meeting of 7 November 1941 in the Reich Ministry for Air (RLM)

"SUBJECT: Employment of laborers in war industries.

"The Fuehrer's point of view as to employment of prisoners of war in war industries has changed basically. So far a total of 5 million prisoners of war—employed so far 2 million.

"Directives for employment:

"Frenchmen: Individual employment, transposition into armament industry (Rue-wirtschaft)

"Serbs: Preferably agriculture.

"Poles: If feasible no individual employment achievement of Russian armament industry surpasses the German one. Assembly linework, a great many mechanical devices with relatively few skilled workers.

"Readiness of Russians in the operational area to work is strong. In the Ukraine and other areas discharged prisoners of war already work as free labor. In Krivoy Rog, large numbers of workers are available due to the destruction of the factories. * * *

"Some points as to general *Arbeitseinsatz*

"Rather employ PW's than *unsuitable foreign workers*. Seize Poles, Dutchmen, etc. if necessary as PW's and employ them as such, if work through free contract cannot be obtained. Strong action." (1206-PS)

In a secret letter from the Reichminister of Labor to the Presidents of the Regional Labor Exchange Offices, the following appears:

"Upon personal order of the Reich Marshal, 100,000 men are to be taken from among the French PW's not yet employed in the armament industry, and are to be assigned to the armament industry (airplane industry). Gaps in manpower supply resulting therefrom will be filled by Soviet PW's. The transfer of the above-named French PW's is to be accomplished by 1 October." (3005-PS)

(3) *Looting and Destruction of Works of Art.* The Nazi con-

spirators planned and organized the cultural impoverishment of every country in Europe: the plunder of works of art by the Government General in occupied Poland and the activities of the *Einsatzstab Rosenberg* are outstanding examples. (See Chapter XIV on the *Plunder of Art Treasures*.)

Goering was continuously connected with these activities. In October 1939 he requested a Dr. Kajetan Muehlmann to undertake immediately the "securing" of all Polish art treasures. In an affidavit, Dr. Muehlmann states:

"I was the special deputy of the Governor General of Poland, Hans Frank, for the safeguarding of art treasures in the General Government, October 1939 to September 1943.

"Goering, in his function as chairman of the Reich Defense Council, had commissioned me with this duty.

"I confirm, that it was the official policy of the Governor General, Hans Frank, to take into custody all important art treasures, which belonged to Polish public institutions, private collections and the Church. I confirm, that the art treasures, mentioned, were actually confiscated, and it is clear to me, that they would not have remained in Poland in case of a German victory, but that they would have been used to complement German artistic property." (3042-PS)

Indicative of the continued interest taken by Goering in these operations, it appears from Dr. Muehlmann's report that at one time 31 valuable sketches by the artist Albrecht Durer were taken from a Polish collection and personally handed to the defendant Goering, who took them to the Fuehrer's headquarters. (1709-PS)

The part played by Goering in looting of art by the *Einsatzstab Rosenberg* has been shown in Chapter XIV. On 5 November 1940 Goering issued an order under his own signature directed to the Chief of the Military Administration Paris, and to the *Einsatzstab Rosenberg*, as follows:

"In conveying the measures taken until now, for the securing of Jewish art property by the Chief of the Military Administration Paris and the special service staff Rosenberg (the Chief of the Supreme Command of the Armed Forces 2 f 28.14. W.Z.Nr 3812/40 g), the art objects brought to the Louvre will be disposed of in the following way:

"1. Those art objects about which the Fuehrer has reserved for himself the decision as to their use.

"2. Those art objects which serve to the completion of the Reich Marshal's collection.

"3. Those art objects and library stocks the use of which seem useful to the establishing of the higher institutes of

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learning and which come within the jurisdiction of Reichsleiter Rosenberg.

"4. Those art objects that are suited to be sent to German museums, of all these art objects a systematic inventory will be made by the special purpose staff Rosenberg; they will then be packed and shipped to Germany with the assistance of the Luftwaffe." (141-PS)

In view of the high priority afforded by the foregoing order to the completion of Goering's own collection, it is not surprising to find that he continued to aid the operations of the *Einsatzstab Rosenberg*. Thus, on 1 May 1941, Goering issued an order to all Party, State, and Wehrmacht Services, under his own signature, requesting them—

"* * * to give all possible support and assistance to the Chief of Staff of Reichsleiter Rosenberg's staffs. * * * The above-mentioned persons are requested to report to us on their work, particularly on any difficulties that might arise." (1117-PS)

By 30 May 1942, Goering was able to boast of the assistance which he had rendered to the work of the *Einsatzstab Rosenberg*. In a letter to Rosenberg, of that date, he stated:

"* * * On the other hand I also support personally the work of your *Einsatzstab* wherever I can do so, and a great part of the seized cultural goods can be accounted for because I was able to assist the *Einsatzstab* with my organization." (1015-I-PS)

(4) *Germanization and Spoliation*. With respect to Poland the Nazi conspirators' plans for Germanization and spoliation commenced with the incorporation of the four western provinces of Poland into the German Reich. In the remaining portions occupied by Germany they set up the Government General. The Nazis planned to Germanize the so-called incorporated territories ruthlessly by deporting Polish intelligentsia, Jews, and dissident elements to the Government General, for eventual elimination; by confiscating Polish property, particularly farms; by sending those so deprived of their property to Germany as laborers; and by importing German settlers. It was specifically planned to exploit the people and material resources of the territory within the Government General by taking whatever was needed to strengthen the Nazi war machine, thus impoverishing this region and reducing it to a vassal state. (See Chapter XIII on *Germanization and Spoliation*.)

Goering, together with Hitler, Lammers, Frick, and Hess,

signed the decree purporting to incorporate certain parts of Polish territory into the Reich. (Decree of the Fuehrer and Reich Chancellor concerning the Organization and Administration of the Eastern Territories, 8 October 1939, 1939 Reichsgesetzblatt, Part I, p. 2042.)

Purporting to act by virtue of section 8 of the foregoing decree, Goering, as Plenipotentiary for the Four-Year Plan, signed an order concerning the introduction of the Four-Year Plan in the Eastern Territories. (Order concerning the Introduction of the Four-Year Plan in the Eastern Territories, 30 October 1939, 1939 Reichsgesetzblatt, Part I, p. 2125.)

Goering in a directive dated 19 October 1939 stated:

"In the meeting of October 13th, I have given detailed instructions for the economical administration of the occupied territories. I will repeat them here in short: 1. The task for the economic treatment of the various administrative regions is different depending on whether a country is involved which will be incorporated politically into the German Reich or whether we deal with the Government General, which, in all probability, will not be made a part of Germany.

"In the first mentioned territories the reconstruction and expansion of the economy, the safeguarding of all their production facilities and supplies must be aimed at, as well as a complete incorporation into the Greater German economic system at the earliest possible time. On the other hand there must be removed from the territories of the Government General all raw materials, scrap materials, machines, etc., which are of use for the German war economy. Enterprises which are not absolutely necessary for the meager maintenance of the naked existence of the population must be transferred to Germany, unless such transfer would require an unreasonably long period of time and would make it more practical to exploit those enterprises by giving them German orders to be executed at their present location." (EC-410)

Goering acted as chairman of a meeting on 12 February 1940 to discuss "questions concerning the East," attended also by Himmler and Frank. From the minutes of this meeting it appears:

"By way of introduction, the General Field Marshal explained that the strengthening of the war potential of the Reich must be the chief aim of all measures to be taken in the East." (EC-305)

The hand of Goering may also be found in the remainder of the Nazi plans for Poland. It was he, for example, who signed, with Hitler and Keitel, the secret decree which entrusted Himmler

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ler with the task of executing the Germanization program (686-PS). Similarly, it was Goering who, by virtue of his powers as Plenipotentiary for the Four-Year Plan, issued a decree concerning confiscations in the incorporated eastern territories. This decree applied to "property of citizens of the former Polish State within the territory of the Greater German Reich, including the incorporated Eastern Territories", and provided in part:

"SECTION 1. (1) The property of citizens of the former Polish State within the territory of the Greater German Reich, including the incorporated Eastern territories, shall be subject to sequestration, trustee administration, and confiscation in accordance with the following provisions.

"(2) Subsection I shall not apply to the property of persons who, in accordance with Section 6 of the decree of the Fuehrer and Reich Chancellor relating to the organization and administration of the Eastern Territories of October 8, 1935 (RGBl, I, p. 2042), have acquired German nationality. The agency having jurisdiction in accordance with Section 12 may allow further exemptions.

* * * * *

"SECTION 2. (2) Sequestration shall be ordered in connection with the property of:

a. Jews.

b. Persons who have fled or are not merely temporarily absent.

"(2) Sequestration may be ordered:

a. If the property is required for the public welfare, particularly in the interests of Reich defense or the strengthening of Germanism.

b. If the owners or other title holders immigrated into the territory of the German Reich as it was then delimited, after October 1, 1918.

* * * * *

SECTION 9. (1) Sequestered property may be confiscated by the competent agency (Section 12) for the benefit of the German Reich if the public welfare, particularly the defense of the Reich, or the strengthening of Germanism, so requires." (1665-PS).

The spoliation of Soviet territory and resources and the barbarous treatment inflicted on Soviet citizens were the result of plans long made and carefully drawn up by the Nazis before they launched their aggressive war on the Soviet Union. The Nazis planned to destroy the industrial potential of the northern regions occupied by their armies and to administer the production

of food in the south and southeast, which normally produced a surplus of food, in such a way that the population of the northern region would inevitably be reduced to starvation because of diversion of such surplus food to the German Reich. The Nazis also planned to incorporate Galicia and all the Baltic countries into Germany and to convert the Crimea, an area north of the Crimea, the Volga territory, and the district around Baku into German colonies. Their plans were to Germanize or destroy. (*See Chapter XIII on Germanization and Spoliation.*)

By 29 April 1941, seven weeks prior to the invasion of the Soviet Union, it appears that Hitler had entrusted Goering with the over-all direction of the economic administration in the area of operations and in the areas under political administration. It further appears that Goering had set up an economic staff and subsidiary authorities to carry out this function. (1157-PS)

The form of organization thus created by Goering and the duties of its various sections appear more clearly in a set of directives "for the operation of the economy in the newly occupied territories" issued by Goering, as Reich Marshal of the Greater German Reich in July 1941. By the terms of these directives, it is stated "The Orders of the Reich Marshal cover all economic fields, including nutrition and agriculture. They are to be executed by the subordinate economic offices." An "Economic Staff, East" was charged with the execution of orders transmitted to it from higher authority. One subdivision of this staff, entitled "Group La", was charged with the following functions: "Nutrition and Agriculture, the economy of all agricultural products, provision of supplies for the Army, in cooperation with the Army groups concerned." (EC-472; 1743-PS.)

As appears from the foregoing documents, it was a subdivision of the economic organization set by Goering, the Economic Staff, East, Agricultural Group, which rendered a top secret report on 23 May 1941, containing a set of policy directives for the exploitation of Soviet agriculture. These directives contemplated abandonment of all industry in the food deficit regions, with certain exceptions, and the diversion of food from the food surplus regions to German needs, even though millions of people would inevitably die of starvation as a result. (EC-126)

Minutes of a meeting at Hitler's Headquarters on 16 July 1941, kept by Bormann, disclose Hitler's announcement that the Nazis never intended to leave the countries then being occupied by their Armies. The Fuehrer further declared that although the rest of the world was to be deceived on this point, nevertheless, "this need not prevent us taking all necessary measures—shoot-

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ing, desettling, etc.—and we shall take them,” and he discussed making the Crimea and other parts of Russia into German colonies. Goering was present and participated in this conference. (L-221)

As a final illustration, it appears from a memorandum dated 16 September 1941 that Goering presided over a meeting of German military officials concerned with the “better exploitation of the occupied territories for the German food economy” and that in discussing this topic, Goering said:

“It is clear that a graduated scale of food allocations is needed.

“First in line are the *combat troops*, then the remainder of troops in *enemy territory*, and then those *troops stationed at home*. The rates are adjusted accordingly. The supply of the *German non-military population* follows and only then comes the *population of the occupied territories*.

“In the occupied territories on principle only those people are to be supplied with an adequate amount of food who work for us. Even if one *wanted* to feed all the other inhabitants, one *could not* do it in the newly occupied eastern areas. It is, therefore, wrong to funnel off food supplies for this purpose, if it is done at the expense of the Army and necessitates increased supplies from home.” (EC-3)

C. CRIMES AGAINST HUMANITY.

(1) *Murder, Extermination, Enslavement, Deportation, and other Inhumane Acts Committed against Civilian Populations before and during the War.* In 1936, Himmler became Chief of the German Police. Goering was thereafter able to devote his attention chiefly to the tasks of creating the German Air Force and preparing the nation economically for aggressive war. As was inevitable from his position, however, Goering continued to be concerned from time to time with the institutions of his creation, such as the Gestapo and the concentration camps. For example, on 14 February 1944, he sent the following teletype to Himmler:

“I received your request to form another squadron of air force group for special purposes 7 (Z.B.V.7) and ordered examination by the air force operational staff [*Luftwaffenfuhrungstab*]. At the same time I ask you to put at my disposal as great a number of concentration camp [K Z—] convicts as possible for air armament, as this kind of manpower proved to be very useful according to previous experience. The situation of the air war makes subterranean transfer of

industry necessary. For work of this kind concentration camp [K Z—] convicts can be especially well concentrated at work and in the camp. Such installations are necessary in order to secure production of the now fully developed most modern airplanes. The Fuehrer upon his visit in Insterburg has attached great value to these airplanes. Intermediate negotiations have already been held between my and your departments. I would be especially grateful for your support in carrying out this task." (1584-I-PS)

On 9 March 1944 Himmler replied to the foregoing teletype as follows:

"Most honored Reichsmarshal:

"Following my teletype letter of the 18 February 1944 I herewith transmit a survey on the employment of prisoners in the aviation industry.

"This survey indicates that at the present time about 36,000 prisoners are employed for the purposes of the air force. An increase to a total of 90,000 prisoners is contemplated.

"The production is being discussed, established and executed between the Reich Ministry of Aviation and the chief of my Economic-Administrative Main Office, SS-Obergruppenfuehrer and General of the Waffen-SS, Pohl respectively.

"We assist with all forces at our disposal."

There follows a report on the use of concentration camp prisoners in the aviation industry. (1584-III-PS)

In Chapter XI on Concentration Camps and Chapter XV, section 5, on the SS, reference is made to medical experiments performed on humans at the concentration camp in Dachau. On 20 May 1942, Field Marshal Milch, Secretary of State and Deputy to Goering as Air Minister, wrote to SS-Obergruppenfuehrer Wolff the following letter:

"Dear Wolffy:

"In reference to your telegram of 12 May our sanitary inspector reports to me that the altitude experiments carried out by the SS and Air Force at Dachau have been finished. Any continuation of these experiments seems essentially unreasonable. However, the carrying out of experiments of some other kind, in regard to perils at high seas, would be important. These have been prepared in immediate agreement with the proper offices; Major (M.C.) Weltz will be charged with the execution and Capt. (M.C.) Rascher will be made available until further orders in addition to his duties within the Medical Corps of the Air Corps. A change of

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these measures does not appear necessary, and an enlargement of the task is not considered pressing at this time.

"The low-pressure chamber would not be needed for these low-temperature experiments. It is urgently needed at another place and therefore can no longer remain in Dachau.

"I convey the special thanks from the supreme commander of the Air Corps to the SS for their extensive cooperation.

"I remain with best wishes for you and in good comradeship and with

Heil Hitler!

Always yours

/s/ E. Milch" (343-PS).

That Milch kept informed of the progress of the experiments may be seen from the following letter which he sent to Himmler on 31 August 1942:

"Dear Mr. Himmler:

"I thank you very much for your letter of the 25 Aug. I have read with great interest the reports of Dr. Rascher and Dr. Romberg. I am informed about the current experiments. I shall ask the two gentlemen to give a lecture combined with the showing of motion pictures to my men in the near future.

"Hoping that it will be possible for me to see you at the occasion of my next visit to Headquarters I remain with best regards and

Heil Hitler!

/s/ yours

E. Milch" (343-PS).

Thus it is clear that the highest circles in the Air Ministry, of which Goering was the head, were interested in these experiments.

(2) *Persecution of the Jews.* As was to be expected from his position as Number 2 Nazi, Goering took an active part in the waging of the Nazi program of persecution, the ultimate purpose of which was the extermination of all Jews. To quote from Goering's own book:

"The solution of the Jewish question has not yet been reached. Whatever has happened so far has been done in a state of necessity, in the interest of our own people; it was a reaction against the ruin which this race has brought upon us." (3461-PS)

In 1935, Goering, as President of the Reichstag, in a speech urging that body to pass the Nurnberg race laws, said:

"God has created the races. He did not want equality and therefore we energetically reject any attempt to falsify the

concept of race purity by making it equivalent with racial equality. * * * This equality does not exist. We have never accepted such an idea and therefore we must reject it in our laws likewise and must accept that purity of race which nature and providence have destined for us." (3458-PS)

Again, on 26 March 1938, Goering said in a speech in Vienna: "I must direct a serious word to the City of Vienna. Today Vienna cannot rightly claim to be a German City. One cannot speak of a German City in which 300,000 Jews live. This city has an important German mission in the field of culture as well as in economics. For neither of these can we make use of the Jews." (3460-PS)

In the late fall of 1938, using as an excuse the murder of von Rath, Secretary of the German Legation in Paris, the Nazi conspirators, acting within the frame-work of economic preparation for aggressive war, began the complete elimination of Jews from economic life, preparatory to their physical annihilation. Goering as head of the Four-Year Plan, was in active charge of this phase of the persecutions. The first step in his campaign was a law requiring registration of all Jewish-owned property. In April 1938 Goering and Frick signed such a law (1406-PS). Armed with the information thus secured, the Nazi conspirators were fully prepared to take the next step. The killing of von Rath in Paris on 9 November 1938 was made the pretext for widespread "spontaneous" riots, which included the looting and burning of many Jewish synagogues, homes, and shops, all of which were carefully organized and supervised by the Nazi conspirators. Goering was fully informed of measures taken. (3051-PS; 3058-PS)

Immediately after these riots, on 12 November 1938, Goering acted as Chairman of a meeting at the Reich Ministry of Air, on the "Jewish question," attended by Funk, Goebbels, Heydrich, and others (1816-PS). Goering made the purpose of the meeting clear at the outset. He said:

"Today's meeting is of a decisive nature. I have received a letter written on the Fuehrer's orders by the Stabsleiter of the Fuehrer's deputy, Bormann, requesting that the 'Jewish Question be now, once and for all, coordinated and solved one way or another. And yesterday, once again did the Fuehrer request by 'phone for me to take coordinated action in the matter'.

"Since the problem is mainly an economic one, it is from an economic angle that it shall have to be tackled. Naturally a number of legal measures shall have to be taken which

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fall into the sphere of the Minister for Justice and into that of the Minister of the Interior; and certain propaganda measures shall have to be taken care of by the office of the Minister for Propaganda. The Minister for Finance and the Minister for Economic Affairs shall take care of problems falling into their respective resorts." (1816-PS)

Goering then said that it was not sufficient to have demonstrations and to burn down Jewish property. In such cases the real loss usually fell on German insurance companies. He continued:

"I should not want to leave any doubt, gentlemen, as to the aim of today's meeting. We have not come together merely to talk again but to make decisions, and I implore the competent agencies to take all measures for elimination of the Jews from German economy and to submit them to me, as far as it is necessary.

"The fundamental idea in this program of elimination of the Jew from German economy, is first, the Jew being ejected from the economy transfers his property to the State. He will be compensated. The compensation is to be listed in the debit ledger and shall bring a certain percentage of interest. The Jew shall have to live out of this interest. It is a foregone conclusion, that this aryanizing, if it is to be done quickly, cannot be made in the Ministry for Economy in Berlin. That way, we would never finish * * *.

"It is my lot, so that the damage will not be greater than the profit, which we are striving for.

"It is obvious, gentlemen, that the Jewish stores are for the people, and not the stores. Therefore, we must begin here, according to the rules previously laid down.

"The Minister for Economic Affairs shall announce which stores he'll want to close altogether. These stores are excluded from aryanizing at once. Their stocks are to be made available for sale in other stores; what cannot be sold, shall be processed through the "Winterhilfe" or taken care of otherwise. However, the sales values of these articles shall always be considered, since the State is not to suffer but should profit through this transformation. For the Chain and Department stores—I speak now only of that, which can be seen, certain categories have to be established, according to the importance of the various branches.

"The trustee of the State will estimate the value of the property and decide what amount the Jew shall receive. Naturally, this amount is to be set as low as possible. The representative of the State shall then turn the establishment

over to the "Arian" proprietor, that is, the property shall be sold according to its real value.

"There begins the difficulties. It is easily understood that strong attempt will be made to get all these stores to Party members and to let them have some kind of compensations. I have witnessed terrible things in the past; little chauffeurs of Gauleiters have profited so much by these transactions that they have now about half a million. You, gentlemen, know it. Is that correct?" (1816-PS)

Specific measures to effect the "Arianization" of Jewish businesses were then discussed. A representative of German insurance companies was called in to assist in solving the difficulties created by the fact that most of the Jewish stores and other property destroyed in the rioting were in fact insured, in some cases ultimately by foreign insurance companies. All present were agreed that it would be unfortunate to pass a law which would have the effect of allowing foreign insurance companies to escape from liability, and that moreover, so far as the insurance companies were concerned, they had made a bargain and should stand by it. The defendant Goering then suggested a solution:

"Goering: No. I don't even dream of refunding the insurance companies the money. The companies are liable. No, the money belongs to the State. That's quite clear. That would indeed be a present for the insurance companies. You make a wonderful Petidum there. You'll fulfill your obligations, you may count on that." (1816-PS)

It is impossible here to quote further from the extensive discussion of all phases of persecution of the Jews which took place at this meeting. It is sufficient to point out that on the same day Goering, over his own signature, promulgated three decrees putting into effect the most important matters decided at the meeting. In the first of these decrees, a collective fine of 1,000,000,000 RM was placed on all German Jews (1412-PS). The second decree, entitled "A Decree on Elimination of Jews from German Economic Life", barred Jews from trades and crafts (2875-PS). The third decree took care of the insurance question raised in the morning's meeting, by providing that insurance due to Jews for various losses sustained by them was to be collected by the State.

For other examples, the energetic manner in which Goering took part in driving the Jews from economic life at this period, see: 069-PS; 1208-PS.

As the German armies moved into other countries, the anti-Jewish laws were extended, often in a more stringent form, to the

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occupied territories. Many of the decrees were not signed by Goering himself, but were issued on the basis of decrees signed by Goering and introducing the Four-Year Plan in the occupied territories. For example, reference is made to the:

Order Concerning the Introduction of the Four-Year Plan in the Eastern Territories, 30 October 1939. 1939 Reichsgesetzblatt, Part I, p. 2125.

Nevertheless, in his capacity as Commissioner of the Four-Year Plan, or as Chairman of the Ministerial Council for National Defense, Goering himself signed several anti-Jewish decrees for occupied territories, including the following:

1939 Reichsgesetzblatt I, p. 1703, Verordnung ueber die Anmeldung der Vermoegens von Juden in den sudetendeutschen Gebieten, 2 December 1938 (Order concerning the registration of the property of Jews in the Sudeten German territories), which was the preliminary for sequestration of such property,

1939 Reichsgesetzblatt I, p. 702, Verordnung ueber die Einfuehrung der Luftschutzgesetzes in den sudetendeutschen Gebieten, 31 March 1939 (Order concerning the introduction of the Air Defense Law in the Sudeten German territories), discriminating against Jews,

1940 Reichsgesetzblatt, I, p. 1270, Verordnung ueber die Behandlung von Vermoegen der Angehoerigen des ehemaligen polnischen Staates, 17 September 1940 (Order concerning treatment of property of nationals of the former Polish State), by which the property of Polish Jews was confiscated,

1940 Reichsgesetzblatt I, p. 1547, Kriegssachschaeden Verordnung (War Damages Law), 30 November 1940, also discriminating against Jews, and

1941 Reichsgesetzblatt I, p. 759, Decree regarding Administration of Criminal Law against Poles and Jews in the Incorporated Eastern Territories, 4 December 1941, which introduced especially stringent penal laws for Jews.

During the later years of the war, the program of the Nazi conspirators for the complete physical annihilation of all Jews in Europe achieved its full fury. While the execution of this program was for the most part handled by the SS and the Security Police, Goering remains implicated in the final phases of the Nazi "Solution" of the Jewish problem. On 31 July 1941, he wrote the following letter to the conspirator Heydrich:

"Complementing the task that was assigned to you on 24 January 1939, which dealt with arriving at—through further-

ance of emigration and evacuation, a solution of the Jewish problem, as advantageous as possible, I hereby charge you with making all necessary preparations in regard to organizational and financial matters for bringing about a complete solution of the Jewish question in the German sphere of influence in Europe.

"Wherever other governmental agencies are involved, these are to cooperate with you.

"I charge you furthermore to send me, before long, an overall plan concerning the organizational, factual and material measures necessary for the accomplishment of the desired solution of the Jewish question." (710-PS)

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2. RUDOLF HESS

A. POSITIONS HELD BY HESS.

- (1) *Between 1919 and 1941, Hess held the following positions:*
 - (a) Member of the Nazi Party, 1920-1941 (3191-PS).
 - (b) Deputy to the Fuehrer, 21 April 1933 to 10 May 1941 (3196-PS).
 - (c) Reich Minister without Portfolio, 1 December 1933—10 May 1941 (3178-PS).
 - (d) Member of the Reichstag, 5 March 1933—10 May 1941 (3192-PS).
 - (e) Member of the Council of Ministers for the Defense of the Reich, 30 August 1930—10 May 1941 (2018-PS).
 - (f) Member of the Secret Cabinet Council, 4 February 1938—10 May 1941 (1377-PS).
 - (g) Successor Designate to the Fuehrer, after Goering, 1 September 1939—10 May 1941 (3190-PS).
 - (h) General in the SS (3198-PS).
 - (i) Private Secretary and A. d. C. to Hitler, 1925-1932 (3192-PS).
 - (j) Head of the Central Political Committee of the N.S.D.A.P., appointed 15 December 1932 (3132-PS).
 - (k) *Reichsleiter* of the N.S.D.A.P. (Member of the Party Directorate) (3198-PS).
 - (l) Member of the Reichs Defense Council (2261-PS).

B. PROMOTION OF THE NAZI CONSPIRATORS' ACCES- SION TO POWER.

The Nazi Party was the conspiracy's main instrument of control. As its directing head, Hess used this instrument vigorously to advance the purposes of the conspiracy. He thus played a decisive part in the preparation and execution of its criminal designs.

Hess began his conspiratorial activities immediately upon the termination of World War I by joining militaristic and nationalistic organizations. He became a member of the Thule Society and of the Free Corps Epp. In June 1920 he joined the Nazi Party, receiving membership card No. 16 (3191-PS; 3347-PS).

By 1923 Hess was an SA leader and head of the Nazi University Organization in Munich. He took part in the Nazi Putsch of 8-9 November 1923. As a result he was tried and convicted on a charge of high treason (3132-PS). He spent 7½ months of his 18 months' sentence with Hitler at the Landsberg Fortress

(3191-PS). There Hitler dictated *Mein Kampf* to him (3132-PS).

After their release, Hess remained extremely close to Hitler. In 1925, he became officially his private secretary and A. d. C. (3192-PS).

During the Party crisis which resulted from the sudden resignation of Gregor Strasser, head of the Party's Political Organization, in December 1932, Hitler called on Hess to take charge of the newly formed Central Political Committee of the Party, in order to restore its strength and unity (3132-PS).

Shortly thereafter, Hess took part in the decisive negotiations which brought the Nazi conspirators into power on 30 January 1933 (3132-PS).

C. ESTABLISHMENT OF TOTALITARIAN CONTROL OVER GERMANY.

Upon the conspirators' accession to power, Hess was appointed Deputy to the Fuehrer of the NSDAP (3196-PS). His broad powers and responsibilities in that position were officially described as follows:

"All the threads of the Party work are gathered together by the Deputy of the Fuehrer. He gives the final word on all intra-Party plans and all questions vital for the existence of the German people. The Deputy of the Fuehrer gives the directives required for all the Party work, in order to maintain the unity, determination and striking power of the N.S.D.A.P. as the bearer of the National-Socialist philosophy." (3163-PS; Chart Number 15).

Through Hess the Conspirators established the control of the Party over the State. As a first step he obtained a seat in the Cabinet, which had in effect become the sole legislative organ of the Reich (2001-PS; 2426-PS; 1395-PS). As a Cabinet Minister, Hess signed the laws which further strengthened the political power of the Nazi Party. Among these enactments were the law of 1 August 1934 consolidating the positions of Chief of State and Leader of the Party (2003-PS); and the law of 20 December 1934 against treacherous attacks on Party and State (1393-PS).

Through a long series of decrees Hess obtained control over every aspect of public and private life in Germany, in order to subvert it to the aims of the conspiracy, as represented by the Party.

(1) Hess gained control over all legislation.

A Hitler Decree of 27 July 1934 provided for Hess's participation in the drafting of all legislation (D-138). In a circular to

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Cabinet members on 9 October 1939, Hess stated that he would in the future veto every bill which reached him too late to allow him enough time for its thorough study from the Party point of view (*D-139*). A letter from Chief of the Reich Chancellery Lammers, on 12 April 1938, announced a supplementary decree extending Hess's participation, especially with regard to the drafting of laws affecting individual States (*D-140*; see *1942-PS*).

(2) *Hess gained control over all government appointments, including those of the judiciary and university teachers.*

A decree of 24 September 1935 provided for the consultation of Hess in the appointment of Reich and State civil servants (*3180-PS*). A decree of 10 July 1937 provided for the participation of the Fuehrer's Deputy in the appointment of Reich and State civil servants (*3184-PS*). A decree of 14 October 1936, signed by Hess, regulated the status of Reich and State civil servants (*3183-PS*). A further decree of 3 April 1936 provided for Hess's participation in the appointment of Labor Service officials (*3182-PS*).

(3) *Hess gained control over Local Government Administration.*

This control was effected through the German Municipality Act of 30 January 1935 provided for the participation of Party delegates (*2008-PS*).

(4) *Hess gained control over the administration of annexed territories.*

Thus, the Ordinance of 10 June 1939 provided for Hess's participation in the administration of Austria (*Reichsgesetzblatt* 1939, Part I, p. 995) while another Ordinance of the same date provided for Hess's participation in the administration of the Sudetenland (*Reichsgesetzblatt* 1939, Part I, p. 997).

(5) *Hess, in his capacity as Deputy Leader of the Party, gained control over the German Youth.*

An order of 10 July 1934 set up a University Commission of the NSDAP under Hess; an Order of 18 July 1934 placed the NS German Student League directly under Hess; and an Order of 14 November 1934 delegated to the Student League exclusive jurisdiction over the political and ideological education of German students (*3132-PS*). A Hess Decree of 3 June 1936 established the NS Aid Fund for the Struggle in the Universities (*3203-PS*; see also *3132-PS* and *1392-PS*).

The success of this entire program of legislation was described by Hitler as follows:

"In this Reich everybody who has a responsible position is a National Socialist * * * Every institution of this Reich

is under the orders of the supreme political leadership
 * * * The Party leads the Reich (2715-PS; see 1774-PS
 and 3163-PS).

In order to enable the conspirators to buttress their power through the armed terror of the SA and SS, Hess, while not actually in control of these Party formations, nevertheless gave them active support. Thus, he was instrumental in establishing the Hitler Grant (a large fund contributed annually by heavy German industry under the chairmanship of Krupp) and in directing part thereof to the support of the SA and SS (D-151).

When several SA men were convicted for mistreatment of inmates of the Hohnstein concentration camp, two members of the jury which had voted the conviction were expelled from the party (784-PS).

Finally, when Himmler, Reich Leader of the SS, organized the SD, Hess issued an order establishing the SD as the sole political information service of the Nazi Party, its functions to be exercised through the SS (3385-PS).

Hess also sought to destroy the influence of the independent churches among the German people, in order to wipe out every opposition to the aims of the conspirators. Thus, Hess's Chief of Staff, Bormann, issued numerous orders and communications from Hess's office against the independent churches. Among these were the Secret Order of 27 July 1938 making clergymen ineligible for party offices (113-PS); the Party Directive of 14 July 1939 making the clergy and theology students ineligible for Party membership (840-PS); the letter of 22 February 1940 discussing ways and means of eliminating religious instruction from the schools (098-PS); the report of 25 April on the progressive substitution of National Socialist mottoes in place of morning prayers in the schools (070-PS); the letter to Rosenberg of 17 January 1940 concerning the undesirability of religious literature for members of the *Wehrmacht* (101-PS); the instructions of 8 March 1940 against the further issuance of newsprint to confessional newspapers (089-PS); and the letter to the Minister of the Interior, in May 1938, agreeing to the invalidation of the Concordat between Austria and the Holy See (675-PS; 838-PS and 107-PS).

D. PREPARATION FOR WAR.

Hess was one of the members of the conspiracy who professed as early as 1933 the aim of complete world domination (2385-PS).

In pursuance of that aim Hess threw the power of the Party

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which he directed, behind the war preparations of the conspiracy. Hess himself described the Party, in this connection, as the mechanism with which to "organize and direct offensively and defensively the spiritual and political strength of the people" (2426-PS).

Hess's tasks in the preparations for aggressive wars fell mainly into the fields of military preparedness, political planning, and fifth-column activities.

(1) *Rearmament*. Even before 1933 Hess took a personal interest in the secret military training program of the uniformed Party organizations (1143-PS).

After the conspirators had come to power, Hess was one of those who echoed the cry of "guns for butter" in his speeches (2426-PS).

Hess signed the law which reintroduced universal military conscription in Germany on 16 March 1935 (1654-PS). Hess admitted that signing this law was no mere formality for him, but rather the realization of one of his most important aims, when he declared in a speech to Army officers in 1937:

"When I spoke about conscription after the 16th of March 1935, in what used to be the most radical industrial plant of Munich * * * to thousands and thousands of the same workers who but a few years before had been singing the Internationale, I was interrupted again and again by such applause and cheers as I would never have believed possible. That was the most beautiful and at the same time the most moving demonstration of my life (3124-PS).

When the Nazi conspirators were ready to launch their aggressive wars in the fall of 1938, Hess and the Party agencies under his control cooperated with the Army High Command in the mobilization of the German Army (388-PS, *Item 32*).

(2) *Political Planning for War*. When the Reich Defense Council was reorganized in September 1938, Hess became one of its members with the express assignment of assuring "the political direction of the nation" (2261-PS).

Hess was also made a member of the Ministers' Council for the Defense of the Reich upon its creation in 1939. Here he continued to exercise an important war-planning function with the specific task of "guaranteeing the unity between Party and State" within that body (2018-PS; 2608-PS).

Hess's functions in the field of political planning for war were not limited to the domestic sphere. He was also a member of the Secret Cabinet Council formed to advise Hitler on foreign policy planning (1377-PS; 3189-PS).

(3) *Fifth Column Activities.* Hess' most important contribution to the conspirators' preparations for aggressive war lay in his organization of the German fifth-columns abroad through the Foreign Organization (*Auslands Organisation* (AO)) of the Nazi Party and its various affiliated semi-official organizations. Through these channels Hess succeeded in building up conspiratorial shock-troops in foreign countries, composed of citizens of these countries who were of German "racial stock." These foreign citizens were incited by Hess to acts of treason against their country in furtherance of the plans of the conspiracy. It was the subversive activities of these fifth-column groups which prepared the way for the conspirators' destruction of independence of many countries. Principal among these were Austria, Czechoslovakia, and Poland.

As his chief instrument in this conspiratorial campaign Hess created the Foreign Organization of the Nazi Party on 3 October 1933. This office was placed directly under Hess, who from then on was known to take the greatest personal interest in its rapid development and expansion (3258-PS; 3401-PS; 3254-PS).

The Foreign Organization extended its activities not only to German citizens living abroad but to all persons allegedly of German ancestry regardless of their foreign citizenship. In the early years after the conspirators' rise to power and up to 1937 this aim was openly admitted by the responsible heads of the Foreign Organization (3258-PS).

Hess announced that it was the task of the Foreign Organization to organize all persons of the German race who lived abroad and to turn them into active Nazi supporters, thus making them subservient to the purposes of the conspiracy. In his speech at the 1937 Congress of the Foreign Organization, Hess declared:

"You stand before me as a slice of the great German racial community, the racial community which extends beyond the borders of our Reich, for National Socialism has not only at home created a national community transcending all classes and groups in a way previously unknown, but it has also included German racial comrades [*Volks-Genossen*] in foreign countries. It has made them conscious and proud members of this racial community! * * *

"Under the leadership of the Foreign Organization, Germanism abroad is also becoming more and more *filled with the National Socialist spirit*. The Foreign Organization of the NSDAP has brought together the Germans out there, who even long after the seizure of power were disunited and split

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by class differences, and joined them with Adolf Hitler's Reich. The National Socialist care for Germandom abroad is maintaining an enormous number of Germans for the nation, who otherwise would be absorbed as cultural fertilizer for other nations" (3258-PS).

The same principle was expressed bluntly by Gauleiter Ernst Bohle, head of the Foreign Organization of the NSDAP directly under Hess from 1933 to 1945, who stated in his address at the Nurnberg Party Congress of 1936:

"The Fuehrer had to come in order to hammer into all of us the fact that the German cannot choose and may not choose whether or not he will be German but that he was sent into this world by God as a German, that God thereby had laid upon him as a German duties of which he cannot divest himself without committing treason to Providence. *Therefore we believe and we know that the German everywhere is a German*—whether he lives in the Reich or in Japan, in France or in China or anywhere else in the world. *Not countries or continents, not climate or environments but blood and race determine the world of ideas of the German.*" (3258-PS).

Hess was also in control of all other semi-official organizations associated with the Foreign Organization in fifth-column work among foreign citizens of German ancestry, for the purpose of gaining foreign support for the conspiracy. Thus, by a Secret Circular of 3 February 1939, Hess ordered the consolidation of the undercover activities of all organizations active in the foreign field, subject to the central direction of SS Gruppenfuehrer Werner Lorenz, head of the *Volks-deutsche Mittelstelle* (Central Agency for Racial Germans) (837-PS).

The two most important of these semi-official agencies were the VDA (League for Germandom Abroad) and the DAI (German Foreign Institute). The VDA was a vast world-wide organization giving financial support to various activities of German groups abroad without regard to their nationality. Its large funds were collected in Germany with the aid of the Nazi Government (3258-PS). The aim of the activities of the VDA was to establish a great German world empire of 100,000,000 inhabitants, containing all persons of German "racial stock" everywhere, including millions of American citizens (3258-PS). The DAI was a world-wide information intelligence and propaganda service (3258-PS).

Hess repeatedly stressed the importance of using Germans abroad for spreading Nazi propaganda (3124-PS).

The DAI also based its activities on the proposition that all

persons of German ancestry belonged to the Nazi German Reich, though they held citizenship in foreign countries. This was stated by Nazi Minister-President Mergenthaler of Wuerttemberg in his address at the 1933 annual meeting of the DAI:

"The liberalist ideology which has been overcome dealt with the formal concept of the citizen. We have gotten rid of that. Today the blood-united German racial comrade stands in the center. That is the new foundation upon which we must build * * *. Hence I want to impress on the DAI: Join us therefore in taking care that the spirit of National Socialism also becomes alive among the German racial comrades in foreign countries so that streams of energy may emanate from it." (3258-PS).

At the annual meeting held by the DAI in 1937, Frick restated in his address the fundamental aim of this organization: to unite every person of German "racial stock" under the control of the Nazi conspirators.

"* * * the new Germany has recognized that its attention and devotion to the welfare of the millions of Germans who have not the fortune to owe political allegiance to Germany, but who are condemned to live abroad, are not merely a matter of natural sympathy and solidarity but are in a higher degree dictated by the strong political and economic interests of the Reich." (3258-PS).

It is noteworthy that the DAI was closely affiliated with the German-American Bund, a subversive Nazi organization in the United States. The DAI's official periodical, "Germandom Abroad" (*Deutschtum im Ausland*), was edited during the war by Walter Kappe, former press chief of the Bund (3258-PS). Walter Kappe and Fritz Gissibl, another former leader in the Bund, established on the premises of the DAI in Stuttgart an organization called "Comradeship U. S. A." The purpose of this "Comradeship U. S. A." was to maintain during the war an organization for all Nazi Party members who had been active in the Bund in the United States (3258-PS). Even before the outbreak of the war, in the spring of 1939, Walter Kappe had undertaken to collect a complete archive of Nazi activities in the U. S. on behalf of the DAI and the Nazi Party (3258-PS).

The success of this world-wide fifth column directed by Hess is now a matter of historical record. Hess himself guided the subversive foreign groups which he had created until the day when the conspirators were ready to annex the countries which they had undermined.

Thus, the annexation of Austria was principally due to the

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efforts of the Nazi Party's work within that country under the orders of Hess. As early as 1934 Hess had appointed Reinthaler leader of the Nazi peasants in Austria, and thus placed him in a position to take over the leadership of the Nazi Fifth Column in Austria (812-PS). Hess took a major part in the negotiations carried on by Seyss-Inquart and other members of the conspiracy in preparation of the Anschluss (3254-PS; 3425-PS). When on 12 March 1938 Germany invaded Austria, Hess, accompanied by Himmler, was the first member of the conspiracy to arrive in Vienna at noon on the same day (L-292). The next day Hess signed the decree by which the conspirators destroyed the independence of Austria (2307-PS; 3075-PS).

Once the conspirators had achieved their aim, Hess did not hesitate to admit publicly that he had approved of the steps which led to the final subjection of Austria. On 24 July 1938 he addressed a meeting held on the fourth anniversary of the assassination of Austrian Chancellor Dollfuss by members of the 89th SS Regiment. He devoted the larger part of his speech to a justification of that assassination (L-273).

When the conspirators turned their attention to their next victim, Czechoslovakia, Hess was again in the forefront directing the German fifth-column in the Sudetenland. In his speech at the annual meeting of the Foreign Organization of the NSDAP on 28 August 1938, Hess declared that Nazi Germany was giving full backing to the demands of the Sudeten German agitators. What such support meant in fact became very clear when Hess pointed to the success of the Nazi policy in Austria (3258-PS). All through the summer of 1938 Hess was engaged in consultations with Karl H. Frank and Konrad Henlein, leaders of the Nazi Sudeten German Party (3061-PS).

A few months later Hess could mark up another success for his fifth-column. When the Munich Agreement forced Czechoslovakia to surrender the Sudeten territory to Germany, Hess went to Reichenberg, the capital of that district, as Hitler's representative in order to accept the official incorporation of the Sudeten German Party into the Nazi Party on 5 November 1938. In his address on that occasion he emphasized repeatedly that the Nazi conspirators had been ready to go to war for the possession of the Sudetenland (3204-PS).

Hess also put his signature to the Act of 14 April 1939 setting up the government of the Sudetenland as an integral part of the Reich (3076-PS).

Later during the same year, after the conspirators had loosed their first aggressive war, Hess signed the laws incorporating first

Danzig and then a large portion of Poland into the Reich (3077-PS; see also Decree 8 October 1939 (RGBl 1939, Part I, p. 2042); Decree of 12 October 1939, Part I, p. 2077).

When in July 1941 the Nazi conspirators occupied Greece, the members of the local Nazi Party were ready to take over as an auxiliary Army service (3258-PS).

Thus, wherever the conspirators sent their invading armies Hess' fifth-column had prepared the soil.

E. PARTICIPATION IN THE CONSPIRACY TO COMMIT WAR CRIMES AND CRIMES AGAINST HUMANITY.

Hess, as Deputy Leader of the Nazi Party, had the task of realizing its "ideological" program (3200-PS).

One of the demands of this conspiratorial program was the destruction of so-called inferior racial stock. Persons who suffered from hereditary insanity or other hereditary diseases were considered useless to the Nazi community. They were therefore to be killed or at least to be prevented from procreating their kind.

In order to carry out this plan Hess established a special Racial Policy Division on his Staff under Dr. Walter Gross, by his order of 17 November 1933. This Division was to "participate with the competent government agencies in all race and population measures" (3322-PS; 3163-PS). In addition, other agencies of the Nazi Party, under Hess, actively cooperated in the administration of this criminal program (D-181; 842-PS; 1969-PS).

In 1937 Hess publicly claimed credit for having used his Party organization in order to gain the nation's approval for compulsory sterilization (3124-PS; 3067-PS).

More important still in the Nazi program were the persecution and extermination of religious and racial minorities. Hess vigorously propagated the doctrine of the superiority of the German race with which the conspirators sought to justify these persecutions (3124-PS).

The Nurnberg Laws, which constituted the legal basis of this campaign, were the work of the Party. This was solemnly announced by Hitler in the peroration of the address in which he announced these laws to the Reichstag in Nurnberg 15 September 1935:

"I now propose to the Reichstag the acceptance of those laws which Party member Goering will read to you.

"The first and second laws fulfill the program of the National Socialist Party in one important respect, and thereby pay a

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debt of gratitude to the Movement under whose symbol Germany has regained her freedom.

"The second law constitutes an attempt to solve by legislation a problem, the final solution of which, if it should again fail, will then have to be referred by law to the National Socialist Party. All three laws are backed by the National Socialist Party and with it and behind it by the German Nation.

"I ask you to accept these laws." (3419-PS).

Hess, along with Frick, was placed in charge of the administration of the Nurnberg Laws and of the issuance of ordinances and regulations thereunder (1416-PS; 3179-PS; 1417-PS; 2124-PS).

With the launching of their aggressive wars, the Nazi conspirators embarked on the execution of their plan to exterminate the non-German populations which fell into their hands. This plan, especially insofar as it concerned the Jews, had been bluntly revealed by Hitler well in advance in his address to the Reichstag on 30 January 1939:

"If inter-national finance-Jewry inside and outside Europe should succeed in throwing the nations into another *World War*, the result will not be the Bolshevization of the earth and thus the victory of Jewry, but the *destruction of the Jewish race in Europe!*" (3418-PS).

In support of this campaign, which was continued by his co-conspirators after his flight to Scotland, Hess issued an order through his Party Chancery on behalf of the SS, which had been put in charge of the extermination program. In this order, Hess demanded the support of all Party members for the recruiting drive of the SS Army Corps (Waffen SS). Hess added that these SS formations were scheduled for service in the Eastern occupied areas, where their "special training in race matters" could be used to best advantage (3245-PS).

By a series of further legislative and administrative measures, Hess participated in the establishment of a special regime in Poland which deprived the inhabitants of that country of their legal protection, and thus initiated their wholesale extermination (R-139; R-96; R-141).

In pursuance of the same policy Hess signed the decree which forced certain groups of Polish citizens to surrender their original national allegiance and to accept German citizenship (Decree of 24 October 1939, RGBI 1939, Part I, p. 2077).

Hess also signed the decree establishing the German Racial Register, under which Allied nationals of German stock were

registered and then compelled to accept German nationality and to remove to German territory (2917-PS).

Hess also used Party channels in order to incite the German people to violations of the rules of war. Thus, he ordered that the population be instructed to seize Allied parachutists or to "liquidate them" (062-PS).

Hess also issued instructions to enforce Hitler's orders prohibiting the reconstruction of the city of Warsaw or of any of Poland's destroyed industries (EC-411).

On 10 May 1941, Hess flew to Scotland for the purpose of seeking an end to the war with England, and support for Germany's demands against Russia. Upon his arrival, he was incarcerated and thus forcibly eliminated from further participation in the crimes of the conspiracy (D-614).

F. CONCLUSION.

Of all the members of the Nazi conspiracy, Hess was closest to Hitler from the first. As Hitler's secretary and A. d. C., as his Deputy, and finally as his Second Successor Designate, Hess was at all times his direct representative in all Party matters. Thus, the conspiracy's most powerful instrument of political action rested in his hands.

Hess used this power to penetrate and dominate the German government administration with National Socialist functionaries; to control legislation and education; and to persecute all independent groups, especially the churches and the Jews.

Being responsible for the political direction and control of the German people, through the Party, Hess played a decisive role in preparing the nation for war. He furthered the secret rearmament of the Party's military formations; he signed the Conscription Law of 1935; he sat on the Reichs Defense Council, the inner Cabinet in which the heads of the conspiracy blue-printed the administrative, economic, and political preparation of their aggressive wars.

Hess, above all, was responsible for the creation and direction of the Nazi fifth-column, in which foreign citizens of German extraction joined under the Nazi banner to weaken and undermine those countries which the Nazi conspirators had determined to subjugate.

All through the years from 1920 to 1941 Hess remained the most faithful and relentless executor of Hitler's aims and designs. This complete devotion to the success of the conspiracy was climaxed by his flight to Scotland in an attempt to end the war with

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England and to receive English support for Germany's demands against Russia, which he had helped to prepare.

The share of Hess' participation in the Nazi conspiracy is as great as that of the Party which he directed. The Party's crimes are his.

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO RUDOLF HESS

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	International Military Tribunal, Indictment Number 1, Section IV (H); Appendix A.....	I	29,58
	<p>Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.</p>		
*062-PS	Top secret Hess directive of 13 March 1940, concerning behavior in case of landings of enemy planes or parachutists. (USA 696).....	III	107

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*070-PS	Letter of Deputy Fuehrer to Rosenberg, 25 April 1941, on substitution of National Socialist mottos for morning prayers in schools. (USA 349).....	III	118
*089-PS	Letter from Bormann to Rosenberg, 8 March 1940, instructing Amann not to issue further newsprint to confessional newspapers. (USA 360).....	III	147
*098-PS	Bormann's letter to Rosenberg, 22 February 1940, urging creation of National Socialist Catechism, etc. to provide moral foundation for NS religion. (USA 350).....	III	152
*101-PS	Letter from Hess' office signed Bormann to Rosenberg, 17 January 1940, concerning undesirability of religious literature for members of the Wehrmacht. (USA 361)....	III	160
*107-PS	Circular letter signed Bormann, 17 June 1938, enclosing directions prohibiting participation of Reichsarbeitsdienst in religious celebrations. (USA 351).....	III	162
*113-PS	Secret Order issued by Hess' Office signed Bormann, 27 July 1938, making clergymen ineligible for Party offices. (USA 683).....	III	164
*388-PS	File of papers on Case Green (the plan for the attack on Czechoslovakia), kept by Schmundt, Hitler's adjutant, April-October 1938. (USA 26).....	III	305
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*784-PS	Letters from Minister of Justice to Hess and SA Chief of Staff, 5 June 1935, concerning penal proceedings against merchant and SA leader and 22 companions because of inflicting bodily injury on duty. (USA 732).....	III	559
*812-PS	Letter from Rainer to Seyss-Inquart, 22 August 1939 and report from Gauleiter Rainer to Reichskommissar Gauleiter Buerckel, 6 July 1939 on events in the NSDAP of Austria from 1933 to 11 March 1938. (USA 61).....	III	586
*837-PS	Secret circular by Hess, 3 February 1939, concerning National League of Germans abroad and the German Eastern League. (GB 265).....	III	603
*838-PS	Letter from Hess' office signed Bormann, 3 June 1939, referring to Hitler's Decree of 6 March 1939 which procluded Christian Scientists from joining the Party. (USA 684).....	III	605
*840-PS	Party Directive, 14 July 1939, making clergy and theology students ineligible for Party membership. (USA 355).....	III	606
842-PS	Correspondence between Party officials, 30 December 1940, concerning killing of the insane.....	III	609
*1143-PS	Letter from Schickendanz to Rosenberg, 20 October 1932, for personal transmission to Hess concerning organization of Air Force. (USA 40).....	III	806
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*1395-PS	Law on treacherous attacks against State and Party, and for the Protection of Party Uniforms, 20 December 1934. 1934 Reichsgesetzblatt, Part I, p. 1269.....	III	973
1416-PS	Law to insure the unity of Party and State, 1 December 1933. 1933 Reichsgesetzblatt, Part I, p. 1016. (GB 252).....	III	978
*1417-PS	Reich Citizen Law of 15 September 1935. 1935 Reichsgesetzblatt, Part I, p. 1146.....	IV	7
**1654-PS	First regulation to the Reichs Citizenship Law, 14 November 1935. 1935 Reichsgesetzblatt, Part I, p. 1333. (GB 258).....	IV	8
*1774-PS	Law of 16 March 1935 reintroducing universal military conscription. 1935 Reichsgesetzblatt, Part I, p. 369. (Referred to but not offered in evidence.).....	IV	163
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3. JOACHIM VON RIBBENTROP

A. POSITIONS HELD BY RIBBENTROP.

According to Ribbentrop's own certified statement (2829-PS), he became a member of the Nazi Party in 1932, but according to the semi-official statement in "*Das Archiv*," he had gone to work for the Party before that time by extending his business connections to political circles. Having joined the service of the Party in 1930 at the time of the final struggle for power in the Reich, "Ribbentrop played an important if not strikingly obvious part in the bringing about of the decisive meetings between the representatives of the President of the Reich and the heads of the

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NSDAP, who had prepared the entry of Nazis into power on 30-1-1933. Those meetings as well as those between Hitler and von Papen took place in Ribbentrop's house in Berlin Dahlen." (D-472).

Ribbentrop was therefore present and active at the inception of the Nazi seizure of power. In that first period he was advisor to the Party on questions of foreign affairs. His title was first, "Collaborator to the Fuehrer on matters of Foreign Policy." He later became Representative in Matters of Foreign Policy on the Staff of the Deputy.

This was followed by membership in the Nazi Reichstag in November 1933.

On 24 April 1934 after Germany had left the disarmament conference, he was appointed Delegate of the Reich Government in matters of Disarmament. In this capacity he visited London and other foreign capitals. He was then given a more important and imposing title, the German Minister Plenipotentiary at Large, and it was in that capacity that he negotiated the Anglo-German Naval Agreement of 1935.

In March 1936, after the Nazi Government had reoccupied the Rhineland zone, which had been demilitarized in accordance with the terms of the Versailles and Locarno Treaties, and the matter was brought before the Council of the League of Nations, Ribbentrop addressed the Council in defense of Germany's action.

On 11 August 1936 he was appointed Ambassador in London, and occupied that position for a period of some eighteen months. His activities while holding that position are not highly relevant to the issues, but during that period, in his capacity which he still had as German Minister Plenipotentiary at Large, he signed the original Anticomintern Pact with Japan in November 1936, and also the additional pact by which Italy joined it in 1937.

Finally, on 24 February 1938, Ribbentrop was appointed Foreign Minister in place of von Neurath, and simultaneously was made a member of the Secret Cabinet Council (*Geheimer Kabinettsrat*) established by decree of Hitler of the same date (1337-PS).

Ribbentrop became an *Oberfuehrer* in the SS, was subsequently promoted to SS *Gruppenfuehrer* in 1938, and later became *Obergruppenfuehrer*. There is no question of any honorary rank. The SS went into his ancestry in detail in order to deal with the law relating to that subject. Ribbentrop was also permitted to adopt "von" as a prefix before his last name (D-636).

These activities of Ribbentrop in the earlier part of his career

show in themselves that he assisted willing and deliberately in bringing the Nazis into power, and in the earlier stage of their obtaining control of the German State.

B. RIBBENTROP'S PART IN THE CONSPIRACY TO LAUNCH AND WAGE WARS OF AGGRESSION.

(1) *The Austrian Anschluss.* Ribbentrop was present at a meeting at Berchtesgaden on 12 February 1938, at which Hitler and von Papen met the Austrian Chancellor von Schuschnigg and his foreign minister, Guido Schmidt. The official German account of that interview is contained in 2461-PS. What appears to be the truthful account of that interview is contained in Jodl's diary, the entries for 11 and 12 February 1938 (1780-PS).

On 11 February Jodl wrote:

"In the evening, and on 12 February, General Keitel with General von Reichenau and Sperrle at Obersalzberg. Schuschnigg, together with R. G. Schmidt, are again being put under the heaviest political and military pressure. At 2300 hours Schuschnigg signs protocol." (1780-PS)

The 13 February entry reads:

"In the afternoon, General Keitel asks Admiral Canaris and myself to come to his apartment. He tells us that the Fuehrer's order is to the effect that military pressure by shamming military action should be kept up until the 15th. Proposals for these deceptive maneuvers are drafted and submitted to the Fuehrer by telephone for approval.

"14 February:

"At 2:40 o'clock the agreement of the Fuehrer arrived. Canaris went to Munich to the Counter-Intelligence Office VII and initiates the different measures.

"The effect is quick and strong. In Austria the impression is created that Germany is undertaking serious military preparations." (1780-PS)

The next step was the telephone conversation which took place between Goering and Ribbentrop on 13 March 1938, when Ribbentrop was still in London. Goering was passing on the false statement that there was no ultimatum to Austria. The facts of the ultimatum were explained by the earlier telephone conversations between Goering and Vienna. But Goering then passed the falsehood on to Ribbentrop in London in order that he might placate and reassure political circles in London (2949-PS).

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The third step was taken by Ribbentrop after his return from London. Although he had been appointed Foreign Minister in February, he had gone back to London to clear up his business at the embassy. Although he was still in London until after the Anschluss had actually occurred, his name appears as a signatory of the law making Austria a province of the German Reich (2307-PS).

(2) *Czechoslovakia.* Czechoslovakia furnishes a typical example of aggression in its various aspects. To summarize the outstanding features briefly: First, there was the necessity of stirring up trouble inside the country against which aggression was planned.

Ribbentrop, as Foreign Minister, helped in the stirring up of the Sudeten Germans under Henlein, who was in frequent contact with the German Foreign Office (3060-PS; 2789-PS; 3059-PS). These documents demonstrate how the Foreign Office stirred up the Sudeten-German movement so that it would act in accordance with the Government of the Reich.

Later on, Ribbentrop was present on 28 May 1938 at the conference at which Hitler gave instructions to prepare the attack on Czechoslovakia (338-PS; 2360-PS). In a speech in January 1939 Hitler proclaimed that aggression was to take place against Czechoslovakia (2360-PS):

"On the basis of this unbearable provocation, which was still further emphasized by a truly infamous persecution and terrorizing of our Germans there, I have now decided to solve the Sudeten-German question in a final and radical manner."

* * * * *

"On 28 May I gave the order for the preparation of military steps against this state, to be concluded by 2 October."
(2360-PS)

The important point is that 28 May was the date when the *Fall Gruen* for Czechoslovakia was the subject of orders, and that it was thereafter put into effect, to come to fruition at the beginning of October.

That was the second stage: To lay well in advance the plans of aggression.

The third stage was to see that neighboring states were not likely to cause trouble. Hence, on 18 July 1938, Ribbentrop had a conversation with the Italian Ambassador, Attolico, at which the attack on Czechoslovakia was discussed (2800-PS). Further discussions along the same lines followed (2791-PS; 2792-PS).

The effect of these documents is, that it was made clear to the Italian Government that the German Government was going to move against Czechoslovakia.

The other interested country was Hungary, for Hungary had certain territorial desires with regard to parts of the Czechoslovakian Republic. Accordingly on 23 and 25 August Ribbentrop was present at the discussions and had discussions himself with the Hungarian politicians Imredi and Kanya (2796-PS; 2797-PS). These documents indicate that Ribbentrop endeavored to get assurances of Hungarian help, and that the Hungarian Government at the time was not too ready to commit itself to action, although it was ready enough with sympathy.

Contacts had been established with the Sudeten Germans, for theirs was the long-term grievance that had to be exploited. But the next stage was to have a short-term grievance and to stir up trouble, preferably at the fountainhead. Therefore, between 16 and 24 September, the German Foreign Office, of which Ribbentrop was the head, was engaged in stirring up trouble in Prague (2858-PS; 2855-PS; 2854-PS; 2853-PS; and 2856-PS). An example of the type of these activities is the communication of 19 September from the Foreign Office to the German Embassy in Prague (2858-PS):

"Please inform Deputy Kundt at Konrad Henlein's request, to get in touch with the Slovaks at once and induce them to start *their* demands for autonomy tomorrow." (2858-PS)

Another of these documents deals with questions of arrest and the action to be taken against any Czechs in Germany in order to make the position more difficult (2855-PS).

That was the contribution which Ribbentrop made to the pre-Munich crisis, which culminated in the Munich agreement of 29 September 1938 (TC-23).

A significant aspect of Nazi plotting with regard to Czechoslovakia, which shows the sort of action and advice which the *Wehrmacht* expected from the Foreign Office, is contained in a long document putting forward an almost infinite variety of breaches of International Law, which were likely to arise or might have arisen from the action in regard to Czechoslovakia (C-2). On all these points the opinion of the Foreign Office was sought, with a view to explanation and justification. That, of course, remained a hypothetical question because at that time no war resulted.

The second stage of the acquisition of Czechoslovakia occurred when, having obtained the Sudetenland, the Nazis arranged a crisis in Czechoslovakia which would be an excuse for taking the

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rest. This action is important as constituting the first time that the German Government disregarded its own commitment that its desires did not go beyond the return of German blood to the Reich. On that point, again, Ribbentrop was active. On 13 March, as events were moving to a climax, he sent a telegram to the German Minister in Prague, his subordinate, telling him to

“make a point of not being available if the Czech Government wants to get in touch with you in the next few days.”
(2815-PS).

At the same time Ribbentrop attended a conference in Berlin with Hitler and a delegation of pro-Nazi Slovaks. Tiso, one of the heads of the pro-Nazi Slovaks, was directed to declare an independent Slovak State in order to assist in the disintegration of Czechoslovakia (2802-PS). A previous meeting along the same lines had been held a month before (2790-PS). Thus, Ribbentrop was assisting in the task, again, of fomenting internal trouble.

On 14 March 1939, the following day, Hacha, the President of Czechoslovakia, was called to Berlin. Ribbentrop was at this meeting, at which pressure and threats were used to obtain the aged President's consent to hand over the Czechoslovak State to Hitler (2798-PS; 3061-PS).

That was the end of the Czech part of Czechoslovakia. The following week Ribbentrop signed a treaty with Slovakia, Article II of which granted the German Government the right to construct military posts and installations, and to keep them garrisoned within Slovakia (1439-PS). Thus, after swallowing Bohemia and Moravia as an independent state, Ribbentrop obtained military control over Slovakia.

(3) *Lithuania*. An interesting point concerning the Northern Baltic shows how difficult it was for Ribbentrop to keep his hands out of the internal affairs of other countries, even when it did not seem a very important matter. On 3 April 1939 Germany had occupied the Memeland (TC-53-A). It would have appeared, as far as the Baltic States were concerned, that the position was satisfactory to the Nazis but in fact Ribbentrop was acting in close concert with Heydrich, in stirring up trouble in Lithuania with a group of pro-Nazi people called the Woldemaras Supporters (2953-PS; 2952-PS). Heydrich was passing to Ribbentrop a request for financial support for this group:

“Dear Party Comrade v. Ribbentrop,

“Enclosed please find a further report about the ‘Woldemaras Supporters.’ As already mentioned in the previous report, the ‘Woldemaras Supporters’ are still asking for help

from the Reich. I therefore ask you to examine the question of financial support, brought up again by the 'Woldemaras Supporters' set forth on page 4, para 2 of the enclosed report and to make a definite decision.

"The request of the 'Woldemaras Supporters' for financial support could, in my opinion, be granted. Deliveries of arms should not, however, be made, under any circumstances."
(2953-PS)

At the end of a fuller report on the same matter (2952-PS) there is added in handwriting,

"I support small regular payments, e.g. 2,000 to 3,000 marks quarterly." (2952-PS).

It is signed "W", who was the Secretary of State. Such was the extraordinary interference, even with comparatively unimportant countries.

(4) *Poland.* In the aggression against Poland, there were several periods. The first was what might be called the Munich period, up to the end of September 1938, and at that time no language the Nazis could use was too good for Poland. Examples of German assurances and reassurances to Poland during this period are Hitler's Reichstag speech on 20 February 1938 (2357-PS), the secret Foreign Office memorandum of 26 August 1938 (TC-76), and the conversation between M. Lipski, the Polish ambassador, and Ribbentrop (TC-73, No. 40). A final illustration of this technique is Hitler's speech at the Sportpalast on 26 September 1938, in which he said that this was the end of his territorial problems in Europe and expressed an almost violent affection for the Poles (TC-73, No. 42).

The next stage occupied the period between Munich and the rape of Prague. With part of the German plan for Czechoslovakia having been accomplished and parts still remaining to be done, there was a slight change towards Poland but still a friendly atmosphere. In a conversation with M. Lipski, the Polish Ambassador to Berlin, on 24 October 1938, Ribbentrop put forward very peaceful suggestions for the settlement of the Danzig issue (TC-73, No. 44). The Polish reply, of 31 October 1938, stated that it was unacceptable that Danzig should return to the Reich, but made suggestions of a bilateral agreement (TC-73, No. 45). Between these dates the German Government had made its preparations to occupy Danzig by surprise (C-137).

But although these preparations were made, still some two months later, on 5 January 1939, Hitler was suggesting to M.

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Beck, the Polish Foreign Minister, a new solution (*TC-73, No. 48*).

Ribbentrop saw M. Beck on the next day and said that there was to be no violent solution of the Danzig issue, but a further building up of friendly relations (*TC-73, No. 49*). Not content with that, Ribbentrop went to Warsaw on 25 January to talk of the continued progress and consolidation of friendly relations (*2530-PS*). That was capped by Hitler's Reichstag speech on 30 January 1939, in the same tone (*TC-73, No. 57*). That was the second stage—the mention of Danzig in honeyed words, because the rape of Prague had not yet been attained.

Then, in the meeting at the Reichschancellery on 23 May 1939, Hitler made it quite clear, and so stated, that Danzig had nothing to do with the real Polish question (*L-79*). "I have to deal with Poland because I want *lebensraum* in the East"—that is the effect of Hitler's words at that time: that Danzig was merely an excuse.

The extent to which Ribbentrop had adopted this attitude of mind of Hitler at this time is shown in the introduction to Count Ciano's Diary (*2987-PS*):

"In the Summer of 1939 Germany advanced her claim against Poland, naturally without our knowledge; indeed, Ribbentrop had several times denied to our Ambassador that Germany had any intentions of carrying the controversy to extremes. Despite these denials I remained in doubt; I wanted to make sure for myself, and on August 11th I went to Salzburg. It was in his residence at Fuschl that Ribbentrop informed me, while we were waiting to sit down at the table, of the decision to start the fireworks, just as he might have told me about the most unimportant and commonplace administrative matter. 'Well, Ribbentrop,' I asked him, while we were walking in the garden, 'What do you want? The Corridor, or Danzig?' 'Not any more', and he stared at me through those cold Musee Grevin eyes, 'We want war.'" (*2987-PS*).

That extraordinary declaration closely corroborates Hitler's statement at his Chancellery conference on 23 May—that it was no longer a question of Danzig or the Corridor, but a question of war to achieve *lebensraum* in the East (*L-79*).

It should be recalled in this connection that "*Fall Weiss*", the plan for operations against Poland, is dated 3 and 11 April 1939, thus showing that preparations were already in hand (*C-120*). Another entry in Count Ciano's Diary during the summer of 1939 makes this point quite clear:

"I have collected in the conference records verbal transcripts

of my conversations with Ribbentrop and Hitler. I shall only note some impressions of a general nature. Ribbentrop is evasive every time I ask him for particulars of the forthcoming German action. He has a guilty conscience. He has lied too many times about German intentions toward Poland not to feel embarrassment now over what he must tell me and what he is preparing to do.

"The will to fight is unalterable. He rejects any solution which might satisfy Germany and prevent the struggle. I am certain that even if the Germans were given everything they demanded, they would attack just the same, because they are possessed by the demon of destruction.

"Our conversation sometimes takes a dramatic turn. I do not hesitate to speak my mind in the most brutal manner. But this doesn't shake him in the least. I realize how little weight this view carries in German opinion.

"The atmosphere is icy. And the cold feeling between us is reflected in our followers. During dinner we do not exchange a word. We distrust each other. But I at least have a clear conscience. He has not." (2987-PS)

The next stage in the German plan consisted of sharp pressure over the claim for Danzig, commencing immediately after Czechoslovakia had been formally dealt with on 15 March 1939. The first sharp raising of the claim was on 21 March (TC-73, No. 61).

An interesting sidelight during the last days before the war concerns the return of Herr von Dirksen, the German Ambassador at the Court of St. James, to Berlin on 18 August 1939. When interrogated (after capture) regarding the significance of this event, Ribbentrop expressed a complete absence of recollection of ever having seen the German Ambassador to England after his return. Ribbentrop thought he would have remembered him if he had seen him, and therefore he accepted the probability that he did not see him (D-490). Thus when it was well known that war with Poland would involve England and France, either Ribbentrop was not sufficiently interested in opinion in London to take the trouble to see his ambassador, or else, as he rather suggests, he had appointed so weak and ordinary a career diplomat to London that his opinion was not taken into account, either by himself or by Hitler. In either case, Ribbentrop was completely uninterested in anything which his Ambassador might have to tell him as to opinion in London or the possibility of war. It is putting the matter with great moderation to say that in the last days

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before 1 September 1939, Ribbentrop did whatever he could to avoid peace with Poland and to avoid anything which might hinder the encouraging of the war which he and the Nazis wanted. He did that, well knowing that war with Poland would involve Great Britain and France. (See also Section 8 of Chapter IX on Aggression Against Poland.)

M. Lipski, the Polish Ambassador at Berlin, summarized all these events leading up to the war in his report of 10 October 1939 (TC-73, No. 147).

(5) *Norway and Denmark.* On 31 May 1939, Ribbentrop, on behalf of Germany, signed a non-aggression pact with Denmark which provided that:

"The German Reich and the Kingdom of Denmark will under no circumstances go to war or employ force of any other kind against one another." (TC-24)

And on 7 April 1940 the German armed forces invaded Denmark at the same time they invaded Norway.

Ribbentrop was fully involved in the earlier preparations for the aggression against Norway. Along with Rosenberg, Ribbentrop assisted Quisling in his early activities. A letter from Rosenberg to Ribbentrop on 24 February states:

"Dear Party Comrade von Ribbentrop:

"Party Comrade Scheidt has returned and has made a detailed report to Privy Councillor von Gruendherr who will address you on this subject. We agreed the other day that 2-300,000 RM would be made immediately available for the said purpose. Now it turns out that Privy Councillor Gruendherr states that the second instalment can be made available only after eight days. But as it is necessary for Scheidt to go back immediately, I request you to make it possible that this second instalment is given to him at once. With a longer absence of *Reichsamtsleiter* P. M. Scheidt also the connection with your representatives would be broken up, which just now, under certain circumstances, could be very unfavorable. "Therefore I trust that it is in everybody's interest, if P. M. Scheidt goes back immediately." (957-PS)

In a report to Hitler on the Quisling activities, Rosenberg outlined Ribbentrop's part in the preparation of the Norwegian operation:

"* * * Apart from financial support which was forthcoming from the Reich in currency, Quisling had also been promised a shipment of material for immediate use in Norway, such as coal and sugar. Additional help was promised. These ship-

ments were to be conducted under cover of a new trade company, to be established in Germany or through especially selected existing firms, while Hagelin was to act as consignee in Norway. Hagelin had already conferred with the respective Ministers of the Nygardsvold Government, as for instance, the Minister of Supply and Commerce, and had been assured permission for the import of coal. At the same time, the coal transports were to serve possibly to supply the technical means necessary to launch Quisling's political action in Oslo with German help. It was Quisling's plan to send a number of selected, particularly reliable men to Germany for a brief military training course in a completely isolated camp. They were then to be detailed as area and language specialists to German Special Troops, who were to be taken to Oslo on the coal barges to accomplish a political action. Thus Quisling planned to get hold of his leading opponents in Norway, including the King, and to prevent all military resistance from the very beginning. Immediately following this political action and upon official request of Quisling to the Government of the German Reich, the military occupation of Norway was to take place. All military preparations were to be completed previously. Though this plan contained the great advantage of surprise, it also contained a great number of dangers which could possibly cause its failure. For this reason it received a quite dilatory treatment, while at the same time, it was not disapproved as far as the Norwegians were concerned.

"In February, after a conference with General Field Marshal Goering, Reichsleiter Rosenberg informed the Secretary in the Office of the Four Year Plan, only of the intention to prepare coal shipments to Norway to the named confidant Hagelin. Further details were discussed in a conference between Secretary Wohlthat, Staff Director Schickedanz, and Hagelin. Since Wohlthat received no further instructions from the General Field Marshal, Foreign Minister von Ribbentrop—after a consultation with Reichsleiter Rosenberg—consented to expedite these shipments through his office. Based on a report of Reichsleiter Rosenberg to the Fuehrer it was also arranged to pay Quisling ten thousand English pounds per month for three months, commencing on the 15 of March, to support his work". (004-PS)

This sum was paid through Scheidt.

In a letter to Ribbentrop dated 3 April 1940, Keitel wrote:

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"Dear Herr von Ribbentrop:

"The military occupation of Denmark and Norway has been, by command of the Fuehrer, long in preparation by the High Command of the *Wehrmacht*. The High Command of the *Wehrmacht* has therefore had ample time to occupy itself with all the questions connected with the carrying out of this operation. The time at your disposal for the political preparation of this operation, is on the contrary, very much shorter. I believe myself therefore to be acting in accordance with your own ideas in transmitting to you herewith, not only these wishes of the *Wehrmacht* which would have to be fulfilled by the Governments in Oslo, Copenhagen and Stockholm for purely military reasons, but also if I include a series of requests which certainly concern the *Wehrmacht* only indirectly but which are, however, of the greatest importance for the fulfillment of its task * * *." (D-629)

Keitel then proceeds to ask that the Foreign Office get in touch with certain commanders. The important point is Keitel's clear admission to Ribbentrop that the military occupation of Denmark and Norway had been long in preparation. It is interesting to connect this letter with the official Biography of Ribbentrop, in the Archives, which makes a point of mentioning the invasion of Norway and Denmark (D-472):

"With the occupation of Denmark and Norway on the 9 of April 1940, only a few hours before the landing of British troops in these territories, the battle began against the Western Powers." (D-472)

It is clear that whoever else had knowledge or whoever else was ignorant, Ribbentrop had been thoroughly involved in the Quisling plottings and knew at least a week before the invasion started that the *Wehrmacht* and Keitel had been long in preparation for this act of aggression. (See also Section 9 of Chapter IX on Aggression against Norway and Denmark.)

(6) *The Low Countries: Belgium, The Netherlands, and Luxembourg.* The facts as to the aggression against these countries, during the period when Ribbentrop was Foreign Minister, are discussed in Section 10 of Chapter IX. Special attention should be called, however, to the statement made by Ribbentrop 10 May 1940 to representatives of the foreign press with regard to the reasons for the German invasion of the Low Countries. These reasons demonstrated to be false in Section 10 of Chapter IX on Aggression Against The Low Countries.

(7) *Greece and Yugoslavia.* At a meeting in Salzburg in August 1939, at which von Ribbentrop participated, Hitler announced that the Axis had decided to liquidate certain neutrals (1871-PS):

"* * * Generally speaking, it would be best to liquidate the pseudo-neutrals one after the other. This is fairly easily done, if one Axis partner protects the rear of the other, who is just finishing off one of the uncertain neutrals, and vice versa. Italy may consider Yugoslavia such an uncertain neutral. At the visit of Prince Regent Paul he [the Fuehrer] suggested, particularly in consideration of Italy, that Prince Paul clarify his political attitude towards the Axis by a gesture. He had thought of a closer connection with the Axis and Yugoslavia's leaving the League of Nations. Prince Paul agreed to the latter. Recently the Prince Regent was in London and sought reassurance from the Western Powers. The same thing was repeated that happened in the case of Gafencu, who was also very reasonable during his visit to Germany and who denied any interest in the aims of the western democracies. Afterwards it was learned that he had later assumed a contrary standpoint in England. Among the Balkan countries the Axis can completely rely only on Bulgaria, which is in a sense a natural ally of Italy and Germany. * * * At the moment when there would be a turn to the worse for Germany and Italy, however, Yugoslavia would join the other side openly, hoping thereby to give matters a final turn to the disadvantage of the Axis." (1871-PS)

That demonstrates the policy with regard to uncertain neutrals.

Then, as early as September 1940 Ribbentrop reviewed the war situation with Mussolini. Ribbentrop emphasized the heavy revenge bombing raids in England and the fact that London would soon be in ruins. It was agreed between the parties that only Italian interests were involved in Greece and Yugoslavia, and that Italy could count on German support. Ribbentrop went on further to explain to Mussolini the Spanish plan for the attack on Gibraltar and Germany's participation therein. He added that he was expecting to sign the Protocol with Spain, bringing the latter country into the war, on his return to Berlin (1842-PS). Ribbentrop then gave Mussolini a free hand with Greece and Yugoslavia:

"With regard to Greece and Yugoslavia, the Foreign Minister stressed that it was exclusively a question of Italian interests, the settling of which was a matter for Italy alone,

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and in which Italy could be certain of Germany's sympathetic assistance.

"But it seemed to us to be better not to touch on these problems for the time being, but to concentrate on the destruction of England with all our forces instead. Where Germany was concerned, she was interested in the northern German districts (Norway, etc.), and this was acknowledged by the Duce." (1842-PS).

Several months later, in January 1941, at the meeting between Hitler and Mussolini in which Ribbentrop participated, the Greek operation was discussed. Hitler stated that the German troops in Rumania were for use in the planned campaign against Greece (C-134). Count Ciano, who attended that meeting as Italian Foreign Minister, recalls his impression of that meeting in his diary entry for 20/21 January:

"The Duce is pleased with the conversation on the whole. I am less pleased, particularly as Ribbentrop, who had always been so boastful in the past, told me, when I asked him outright how long the war would last, that he saw no possibility of its ending before 1942." (2987-PS)

Despite that somewhat pessimistic statement to Count Ciano, three weeks later, when it was a question of encouraging the Japanese to enter the war, Ribbentrop took a more optimistic line. On 13 February 1941 he saw Oshima, the Japanese Ambassador. In the course of their conversation Ribbentrop gave an optimistic account of the military situation and the position of Bulgaria and Turkey (1834-PS).

In the course of his efforts to get Yugoslavia to join the Axis, Ribbentrop addressed a note, (2450-PS) on 25 March 1941, to Prime Minister Cvetkovitch, which contained this assurance:

"The Axis-Power Governments during this war will not direct a demand to Yugoslavia to permit the march or transportation of troops through the Yugoslav state or territory." (2450-PS)

Shortly thereafter, there occurred the coup d'etat in Yugoslavia, when General Simovitch took over the Government. Two days after Ribbentrop's assurance (2450-PS), at a meeting on 27 March 1941 at which Ribbentrop was present, Hitler outlined the military campaign against Yugoslavia and promised the destruction of Yugoslavia and the demolition of Belgrade by the German Air Force (1746-PS).

After the invasion of Yugoslavia Ribbentrop was one of the persons directed by Hitler with the drawing of the boundaries

for the partition and division of Yugoslavia. The preliminary directive for that action provided:

"* * * If the drawing up of boundaries has not been laid down in the above Part I, it will be carried out by the Supreme Command of the Armed Forces in agreement with the Foreign Office [Ribbentrop], the Plenipotentiary for the Four Year Plan [Goering], and the Reich Minister of the Interior [Frick]." (1195-PS)

(8) *The U. S. S. R.* On 23 August 1939 Ribbentrop signed the German-Soviet non-aggression Pact (TC-25). The first point at which Ribbentrop seems to have considered special problems of aggression against the Soviet Union was just after 20 April 1941, when Rosenberg and Ribbentrop met or communicated to consider problems expected to arise in the Eastern occupied territory. Ribbentrop appointed his Counsellor, Grosskopf, to be his liaison man with Rosenberg and also assigned a Consul General, Brauetigam, who had many years experience in the USSR, as a collaborator with Rosenberg (1039-PS).

The following month, on 18 May 1941, the German Foreign Office prepared a declaration setting forth operational zones in the Arctic Ocean and the Baltic and Black Seas to be used by the German Navy and Air Force in the coming invasion of the Soviet Union:

"The Foreign Office has prepared for use in *Barbarossa* the attached draft of a declaration of operational zones. The Foreign Office has, however, reserved its decision as to the date when the declaration will be issued, as well as discussion of particulars." (C-77)

Thus, it is clear that Ribbentrop was again fully involved in the preparation for this act of aggression. Finally, on 22 June 1941, Ribbentrop announced to the world that the German armies were invading the USSR (3054-PS).

How untrue were the reasons given by Ribbentrop is shown by the report of his own Ambassador in Moscow on 7 June 1941, who said that everything was being done by the Russians to avoid a conflict.

(9) *Instigation of Japanese Aggression.* On 25 November 1936, as a result of negotiations of Ribbentrop as Ambassador at Large, Germany and Japan signed the Anti-Comintern Pact (2508-PS). The recital states the purpose of the agreement as follows:

"The Government of the German Reich and the Imperial

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Japanese Government, recognizing that the aim of the Communist Internationale known as the Comintern is to disintegrate and subdue existing States by all the means at its command; convinced that the toleration of interference by the Communist Internationale in the internal affairs of the nations not only endangers their internal peace and social well-being, but is also a menace to the peace of the world; desirous of cooperating in the defense against Communist subversive activities; having agreed as follows * * *."
(2508-PS)

There then follow the effective terms of the agreement under which Germany and Japan are to act together for five years. It is signed on behalf of Germany by Ribbentrop (2508-PS).

On 27 September 1940 Ribbentrop, as Foreign Minister, signed the Tripartite Pact with Japan and Italy, thereby bringing about a full-scale military and economic alliance for the creation of a new order in Europe and East Asia (2643-PS).

On 13 February 1941—some four months later—Ribbentrop was urging the Japanese to attack British possessions in the Far East (1834-PS).

Then, in April 1941, at a meeting between Hitler and Matsuoka, representing Japan, at which Ribbentrop was present, Hitler promised that Germany would declare war on the United States in the event of war occurring between Japan and the United States as a result of Japanese aggression in the Pacific (1881-PS).

The development of Ribbentrop's views is indicated by the minutes of another conversation with the Japanese Foreign Minister (1882-PS):

"* * * Matsuoka then spoke of the general high morale in Germany, referring to the happy faces he had seen everywhere among the workers during his recent visit to the Borgs Works. He expressed his regret that developments in Japan had not as yet advanced as far as in Germany and that in his country the intellectuals still exercised considerable influence.

"The Reich Foreign Minister replied that at best a nation which had realized its every ambition could afford the luxury of intellectuals, most of whom are parasites, anyway. A nation, however, which has to fight for a place in the sun must give them up. The intellectuals ruined France; in Germany they had already started their pernicious activities when National Socialism put a stop to these doings; they

will surely be the cause of the downfall of Britain, which is to be expected with certainty * * *." (1882-PS)

That was on 5 April 1941.

Within a month after the German armies invaded the Soviet Union on 22 June 1941, Ribbentrop was urging Ott, his ambassador in Tokyo, to do his utmost to cause the Japanese Government to attack the Soviet in Siberia (2896-PS; 2897-PS).

A message, intercepted, which was sent by the Japanese Ambassador in Berlin on 29 November 1941, a week before the attack on the United States at Pearl Harbor, reports the coaxings of Ribbentrop:

"Ribbentrop opened our meeting by again inquiring whether I had received any reports regarding the Japanese-United States negotiations. I replied that I had received no official word.

"Ribbentrop: 'It is essential that Japan effect the New Order in East Asia without losing this opportunity. There never has been and probably never will be a time when closer cooperation under the Tripartite Pact is so important. If Japan hesitates at this time, and Germany goes ahead and establishes her European New Order, all the military might of Britain and the United States will be concentrated against Japan.

"'As Fuehrer Hitler said today, there are fundamental differences in the very right to exist between Germany and Japan, and the United States. We have received advice to the effect that there is practically no hope of the Japanese-United States negotiations being concluded successfully because of the fact that the United States is putting up a stiff front.

"'If this is indeed the fact of the case, and if Japan reaches a decision to fight Britain and the United States, I am confident that that will not only be to the interest of Germany and Japan jointly, but would bring about favorable results for Japan and herself.'" (D-656).

Then the Japanese Ambassador replied:

"I can make no definite statement as I am not aware of any concrete intentions of Japan. Is Your Excellency indicating that a state of actual war is to be established between Germany and the United States?"

"Ribbentrop: 'Roosevelt's a fanatic, so it is impossible to tell what he would do.'" (D-656).

The Japanese Ambassador thereupon concludes:

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"Concerning this point, in view of the fact that Ribbentrop has said in the past that the United States would undoubtedly try to avoid meeting German troops, and from the tone of Hitler's recent speech, as well as that of Ribbentrop's, I feel that German attitude toward the United States is being considerably stiffened. There are indications at present that Germany would not refuse to fight the United States if necessary." (D-656).

Part 3 of the Japanese message quotes Ribbentrop as follows:

"In any event, Germany has absolutely no intention of entering into any peace with England. We are determined to remove all British influence from Europe. Therefore, at the end of this war, England will have no influence whatsoever in international affairs. The Island Empire of Britain may remain, but all of her other possessions throughout the world will probably be divided three ways by Germany, the United States, and Japan. In Africa, Germany will be satisfied with, roughly, those parts which were formerly German colonies. Italy will be given the greater share of the African Colonies. Germany desires, above all else, to control European Russia." (D-656)

In reply the Japanese Ambassador said:

"I am fully aware of the fact that Germany's war campaign is progressing according to schedule smoothly. However, suppose that Germany is faced with the situation of having not only Great Britain as an actual enemy, but also having all of those areas in which Britain has influence and those countries which have been aiding Britain as actual enemies as well. Under such circumstances, the war area will undergo considerable expansion, of course. What is your opinion of the outcome of the war under such an eventuality?"

"Ribbentrop: 'We would like to end this war during next year [1942]. However, under certain circumstances, it is possible that it will have to be continued on to the following year.

'Should Japan become engaged in war against the United States, Germany, of course, would join the war immediately. There is absolutely no possibility of Germany's entering into a separate peace with the United States under such circumstances. The Fuehrer is determined on that point.'" (D-656)

Ribbentrop was thus associated in the closest possible way, with the aggression by Japan against the United States.

Another intercepted diplomatic message from the Japanese Ambassador in Berlin states (*D-657*):

"At 1 p.m. today [8 December 1941] I called on Foreign Minister Ribbentrop and told him our wish was to have Germany and Italy issue formal declarations of war on America at once. Ribbentrop replied that Hitler was then in the midst of a conference at general headquarters discussing how the formalities of declaring war could be carried out so as to make a good impression on the German people, and that he would transmit your wish to him at once and do whatever he was able to have it carried out promptly. At that time Ribbentrop told me that on the morning of the 8th Hitler issued orders to the entire German Navy to attack American ships whenever and wherever they might meet them.

"It goes without saying that this is only for your secret information." (*D-657*)

Thus, Hitler ordered attacks on American ships before the German declaration of war.

Then on 11 December 1941 Ribbentrop, in the name of the German Government, announced a state of war between Germany and the United States.

Ribbentrop also made attempts to get Japan to attack the Soviet Union. In his conversations with Oshima, the Japanese Ambassador, in July 1942 and in March and April 1943, Ribbentrop continued to urge Japanese participation and aggression against the Soviet Union (*2911-PS*; *2954-PS*). The report of a discussion between Ribbentrop and Ambassador Oshima reads:

"Ambassador Oshima declared that he has received a telegram from Tokyo, and he is to report, by order of his Government to the Reich Minister for Foreign Affairs the following:

"The suggestion of the German Government to attack Russia was the object of a common conference between the Japanese Government and the Imperial headquarters, during which the question was discussed in detail and investigated exactly. The result is the following: The Japanese Government absolutely recognizes the danger which threatens from Russia and completely understands the desire of its German ally that Japan on her part will also enter the war against Russia. However, it is not possible for the Japanese Government, considering the present war situation, to enter into the war. It is rather of the conviction that it would be in the common interest not to start the war against Russia now. On the other

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hand, the Japanese Government would never disregard the Russian question." (2954-PS)

Whereupon Ribbentrop returned to the attack:

"However, it would be more correct that all powers allied in the Three Power Pact would combine their forces to defeat England and America, but also Russia, together. It is not good when one part must fight alone." (2954-PS)

Ribbentrop's pressure on Japan to attack Russia is shown in another report of Japanese-German discussions on 18 April 1943 (2929-PS):

"The Reichsminister for Foreign affairs then stressed again that without any doubt this year presented the most favorable opportunity for Japan, if she felt strong enough and had sufficient anti-tank weapons at her disposal, to attack Russia, which certainly would never again be as weak as she is at the moment * * *." (2929-PS)

C. RIBBENTROP'S PART IN THE CONSPIRACY TO COMMIT WAR CRIMES AND CRIMES AGAINST HUMANITY.

(The following discussion concerns only the planning of these crimes. The execution of the crimes was left to the French and Soviet prosecuting staffs for proof.)

(1) *The Killing of Allied Aviators.* With the increasing air raids on German cities in 1944 by the Allied Air Forces, the German Government proposed to undertake a plan to deter Anglo-American fliers from further raids on Reich cities. In a report of a meeting at which a definite policy was to be established, there is stated the point of view that Ribbentrop had been urging (735-PS). The meeting took place at the Fuehrer's headquarters on 6 June 1944, and proceeded in part as follows:

"*Obergruppenfuehrer* Kaltenbrunner informed the Deputy Chief of WFST in Klessheim, on the afternoon of the 6th of June, that a conference on this question had been held shortly before between the Reich Marshal [Goering], the Reich Foreign Minister [Ribbentrop], and the Reichsfuehrer SS [Himmler]. Contrary to the original suggestion made by the Reich Foreign Minister, who wished to include every type of terror attack on the German civilian population, that is, also bombing attacks on cities, it was agreed in the above conference that merely those attacks carried out with aircraft armament, aimed directly at the civilian population and their property, should be taken as the standard for the evidence of a criminal action in this sense. Lynch law would

have to be the rule. On the contrary, there has been no question of court martial sentence or handing over to the police." (735-PS)

That is, Ribbentrop was pressing that even where there was an attack on a German city, the airmen who crash-landed should be handed over to be lynched by the crowd.

The minutes of the conference report further as follows:

"Deputy Chief of the WFST mentioned that apart from lynch law, a procedure must be worked out for segregating those enemy aviators who are suspected of criminal action of this kind until they are received into the reception camp for aviators at Oberursel; if the suspicion was confirmed, they would be handed over to the SD for special treatment." (735-PS)

The sense of this seems to be that if they were not lynched under the first scheme, by the crowd, then they were to be kept from prisoners of war, where they would be subject to the protecting power's intervention. And if the suspicion was confirmed, they would be handed over to the SD to be killed.

The conference reached a decision on what would be regarded as justifying lynch law:

"At a conference with Colonel von Brauchitsch, representing the C-in-C, Air Force, on the 6th of June, it was settled that the following actions were to be regarded as terror actions justifying lynch law:

"Low-level attacks with aircraft armament on the civilian population, single persons as well as crowds.

"Shooting our own men in the air who had bailed out.

"Attacks with aircraft armament on passenger trains in the public service.

"Attacks with aircraft armament on military hospitals, hospitals, and hospital trains, which are clearly marked with the Red Cross." (735-PS)

These were to be the subject of lynching and not, as Ribbentrop had suggested, the case of the bombing of a city.

In the latter part of this report there occurs a somewhat curious comment from Keitel:

"If one allows the people to carry out lynch law, it is difficult to enforce rules!

"Minister Director Berndt got out and shot the enemy aviator on the road. I am against legal procedure. It doesn't work out." (735-PS).

That is signed by Keitel.

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The remarks of Jodl then appear:

"This conference is insufficient. The following points must be decided quite definitely in conjunction with the Foreign Office:

"1. What do we consider as murder?

"Is RR in agreement with point 3b?

"2. How should the procedure be carried out?

"a. By the people?

"b. By the authorities?

"3. How can we guarantee that the procedure be not also carried out against other enemy aviators?

"4. Should some legal procedure be arranged or not?

"(Signed) Jodl" (735-PS).

It is important to note that Ribbentrop and the Foreign Office were fully involved in these breaches of the laws and usages of war. The clarity with which the Foreign Office perceived that there were such violations is indicated by a document from the Foreign Office, approved of by Ribbentrop and transmitted by one of his officials, Ritter (728-PS). The approval of Ribbentrop is specifically stated in a memorandum of 30 June 1944 (740-PS). The Foreign Office document reads:

"In spite of the obvious objections, founded on international law and foreign politics, the Foreign Office is basically in agreement with the proposed measures.

"In the examination of the individual cases, a distinction must be made between the cases of lynching and the cases of special treatment by the Security Service, SD.

"1. In the cases of lynching, the precise establishment of the circumstances deserving punishment, according to points 1-4 of the communication of 15 June, is not very essential. First, the German authorities are not directly responsible, since death had occurred before a German official became concerned with the case. Furthermore, the accompanying circumstances will be such that it will not be difficult to depict the case in an appropriate manner upon publication. Hence, in cases of lynching, it will be of primary importance correctly to handle the individual case upon publication.

"2. The suggested procedure for special treatment by the S.D., including subsequent publication, would be tenable only if Germany, on this occasion, simultaneously would openly repudiate the commitment of International Law, presently in force, and still recognized by Germany. When an enemy aviator is seized by the Army or by the Police, and is delivered to the Air Forces (P.W.) Reception Camp Oberursel,

he has received, by this very fact, the legal status of a prisoner of war.

"The Prisoner of War Treaty of 27 July 1929 establishes definite rules on the prosecution and sentencing of the Prisoner of War, and the execution of the death penalty, as for example in Article 66: Death sentences may be carried out only three months after the protective power has been notified of the sentence; in Article 63: a prisoner of war will be tried only by the same courts and under the same procedure as members of the German Armed Forces. These rules are so specific, that it would be futile to try to cover up any violation of them by clever wording of the publication of an individual incident. On the other hand the Foreign Office cannot recommend on this occasion a formal repudiation of the Prisoner of War Treaty.

"An emergency solution would be to prevent suspected fliers from ever attaining a legal Prisoner of War status, that is, that immediately upon seizure they be told that they are not considered Prisoners of War but criminals; that they would not be turned over to the agencies having jurisdiction over Prisoners of War; hence not go to a Prisoner of War Camp; but that they would be delivered to the authorities in charge of the prosecution of criminal acts and that they would be tried in a summary proceeding. If the evidence at the trial should reveal that the special procedure is not applicable to a particular case, the fliers concerned may subsequently be given the status of Prisoner of War by transfer to the Air Forces (P.W.) Reception Camp Oberursel.

"Naturally, not even this expedient will prevent the possibility that Germany will be accused of the violation of existing treaties, and maybe not even the adoption of reprisals upon German prisoners of war. At any rate this solution would enable us clearly to define our attitude, thus relieving us of the necessity of openly having to renounce the present agreements or of the need of having to use excuses, which no one would believe, upon the publication of each individual case."

* * * * *

"It follows from the above, that the main weight of the action will have to be placed on lynchings. Should the campaign be carried out to such an extent that the purpose, to wit 'the deterrence of enemy aviators', is actually achieved, which goal is favored by the Foreign Office, then the strafing attacks by enemy fliers upon the civilian populations must

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be stressed in a completely different propagandist manner than heretofore." (728-PS).

Those words show clearly Ribbentrop's point of view:

"Ambassador Ritter has advised us by telephone on 29 June that the Minister for Foreign Affairs has approved this draft." (740-PS)

Thus, on the treatment of aviators, Ribbentrop furthered the deliberate adoption of a procedure evading International Law.

(2) *The Destruction of the Peoples in Europe.* With regard to Poland, the affidavit of Lahousen reports Ribbentrop participation in a discussion on 12 September 1939 on the Fuehrer's train concerning the extermination of Poles and Jews (*Affidavit A*).

With regard to Bohemia and Moravia, on 16 March 1939 there was promulgated the decree of the Fuehrer and Reichschancellor, signed by Ribbentrop, establishing the protectorate (*TC-51*). The effect of that decree was to place the Reich Protector in a position of supreme power over Bohemia and Moravia, subordinate only to the Fuehrer. Article 5 of that decree provides:

"* * * 2. The Reich Protector, as representative of the Fuehrer and Chancellor of the Reich, and as commissioner of the Reich Government, is charged with the duty of seeing to the observance of the political principles laid down by the Fuehrer and Chancellor of the Reich.

"3. The members of the government of the Protectorate shall be confirmed by the Reich Protector. The confirmation may be withdrawn.

"4. The Reich Protector is entitled to inform himself of all measures taken by the government of the Protectorate and to give advice. He can object to measures calculated to harm the Reich, and, in case of danger, issue ordinances required for the common interest." (*TC-51*)

It is further provided that the promulgation of laws and the execution of certain judgments shall be annulled if the Reich Protector enters an objection (*TC-51*).

In part as a result of the sweeping terms of this law, the two Reich Protectors of Bohemia and Moravia and their various deputies were able to commit numerous violations of the laws of war, and crimes against humanity. (Discussion of these matters was assumed as the responsibility of the Soviet prosecuting staff.)

Similarly, with regard to the Netherlands, on 18 May 1940 a decree of the Fuehrer concerning the exercise of governmental authority in the Netherlands was signed by Ribbentrop. Section 1 of that decree provided (*D-639*):

"The occupied Netherlands territories shall be administered by the Reich Commissioner for the Occupied Netherlands territories * * * the Reich Commissioner is guardian of the interests of the Reich and vested with supreme civil authority.

"Dr. Arthur Seyss-Inquart is hereby appointed Reich Commissioner for the Occupied Netherlands Territories."
(D-639)

On the basis of this decree, the Reich Commissioner, Seyss-Inquart, promulgated such orders as that of 4 July 1940, confiscating the property of those who had, or might have, furthered activities hostile to the German Reich (2921-PS). Tentative arrangements were also made for the resettlement of the Dutch population (1520-PS). (This part of the proof was assumed as the responsibility of the French prosecuting staff.)

With regard to Bohemia and the Netherlands, the charge against Ribbentrop is laying the basis and erecting the governmental structure under which the war crimes and crimes against humanity were directed and facilitated.

(3) *Persecution of the Jews.* In December 1938 Ribbentrop, in a conversation with M. Bonnet, who was then Foreign Minister of France, expressed his opinion of the Jews. That was reported by the United States Ambassador, Mr. Kennedy, to the State Department as follows (L-205):

"During the day we had a telephone call from Berenger's office in Paris. We were told that the matter of refugees had been raised by Bonnet in his conversation with von Ribbentrop. The result was very bad. Ribbentrop, when pressed, had said to Bonnet that the Jews in Germany without exception were pickpockets, murderers and thieves. The property they possessed had been acquired illegally. The German Government had therefore decided to assimilate them with the criminal elements of the population. The property which they had acquired illegally would be taken from them. They would be forced to live in districts frequented by the criminal classes. They would be under police observation like other criminals. They would be forced to report to the police as other criminals were obliged to do. The German Government could not help it if some of these criminals escaped to other countries which seemed so anxious to have them. It was not, however, willing for them to take the property which had resulted from their illegal operations with them. There was in fact nothing that it could or would do." (L-205)

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That succinct statement of Ribbentrop's views on Jews is elaborated in a long document which he had sent out by the Foreign Office (3358-PS). This document, entitled "The Jewish Question As A Factor In German Foreign Policy in the year 1938" contains the following:

"It is certainly no coincidence that the fateful year 1938 has brought nearer the solution of the Jewish question simultaneously with the realization of the 'idea of Greater Germany', since the Jewish policy was both the basis and consequence of the events of the year 1938."

* * * * *

"The final goal of German Jewish policy is the emigration of all Jews living in Reich territory."

* * * * *

"These examples from reports from authorities abroad can, if desired, be amplified. They confirm the correctness of the expectation that criticism of the measures for excluding Jews from German *lebensraum*, which were misunderstood in many countries for lack of evidence, would only be temporary and would swing in the other direction the moment the population saw with its own eyes and thus learned what the Jewish danger was to them. The poorer and therefore the more burdensome the immigrant Jew to the country absorbing him, the stronger this country will react and the more desirable is this effect in the interest of German propaganda. The object of this German action is to be the future international solution of the Jewish question, dictated not by false compassion for the 'United Religious Jewish minority' but by the full consciousness of all peoples of the danger which it represents to the racial composition of the nations." (3358-PS)

This document was widely circulated by Ribbentrop's ministry, to all senior Reich authorities and to numerous other people on 25 January 1939, just after the statement to M. Bonnet. Apparently Ribbentrop's anti-Semitic incitements grew stronger, for in June 1944 Rosenberg made arrangements for an international anti-Jewish Congress to be held in Krakow on 11 July 1944. The honorary members were to be Ribbentrop, Himmler, Goebbels, and Frank. The Foreign Office was to take over the mission of inviting prominent foreigners from Italy, France, Hungary, Holland, Arabia, Iraq, Norway etc. in order to give an international aspect to the Congress. However, the military events of June 1944 prompted Hitler to call off the Congress, which had lost its

significance by virtue of the Allied landing in Normandy (1752-PS).

It is clear that Ribbentrop supported and encouraged the Nazi program against the Jews, which resulted in their transportation to concentration camps, where things went on which he, as a minister in special touch with the head of the government must have known about. As one who preached this doctrine and was in a position of authority, Ribbentrop cannot suggest that he was ignorant of how the policy was carried out.

D. CONCLUSION

Hitler summed up Ribbentrop's contribution to the Nazi conspiracy for aggression, as follows:

"In the historic year of 1938 the Foreign Minister, von Ribbentrop, was of great help to me, in view of his accurate and audacious judgment and the exceptionally clever treatment of all problems of foreign policy."

During the course of the war, Ribbentrop was in close liaison with the other Nazi conspirators. He advised them and made available to them, through his foreign embassies and legations abroad, information which was required. He at times participated in the planning of war crimes and crimes against humanity. His guilt is clear.

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4. WILHELM KEITEL

A. POSITIONS HELD BY KEITEL.

Chief of the Armed Forces Department in the Reichs Ministry of War (*Wehrmachtsamt in Reichskriegsministerium*), 1 October 1935 to 4 February 1938. (3019-PS)

Chief of the Supreme Command of the Armed Forces (Chief of OKW), equal in rank to a Reichs Minister. (1915-PS)

Member of the Secret Cabinet Council, 4 February 1938 to 1945. (2031-PS)

Member of Ministerial Council for the defense of the Reich, 30 August 1939 to 1945. (2018-PS)

Member of Reichs Defense Council, 4 September 1938 to 1945. (2194-PS)

Field Marshal, July 1940 to 1945. (3020-PS)

B. FUNCTIONS OF KEITEL.

As Chief of the *Wehrmachtsamt* in the Ministry of War, Keitel was Chief of Staff for von Blomberg, who was both Minister of War and Commander-in-chief of the Armed Forces.

On 4 February 1938 Hitler abolished the Ministry of War, assumed direct command of the Armed Forces himself, and created the OKW (*Oberkommando der Wehrmacht*). The OKW advised Hitler on the most important military questions, and prepared and transmitted directives to the Armed Forces. Thus it exercised great influence on the formation of the German military policy and the conduct of military affairs.

Keitel was made Chief of the OKW, with rank equal to that of Reichsminister. He was also given authorities of the former Minister of War, and continued to perform the administrative duties of that position. (1915-PS; 1954-PS; 3704-PS)

In addition to its ministerial functions, the OKW was Hitler's military staff. Its most important duty was the development of strategic and operational plans. Such plans were worked out by the OKW Operations Staff in broad outline, and then in more detail by the commanders and chiefs of staff of the Army, Navy, and Air Force. After Hitler had approved the plans they were transmitted by the OKW to the respective military authorities. (3705-PS; 3702-PS; 3707-PS).

C. KEITEL'S PART IN THE CONSPIRACY TO COMMIT CRIMES AGAINST PEACE.

Keitel's conspiratorial activities started immediately after the Nazis came to power. As early as in May 1933, when Germany was still a member of the League of Nations, Keitel gave directives for deceiving "Geneva" in rearmament matters.

At the second meeting of the Working Committee of the Councillors for Reich Defense on 22 May 1933, Colonel Keitel emphasized that the supreme consideration guiding the work of the committee was to be secrecy. "No document", he said, "ought to be lost, since otherwise it may fall into the hands of the enemy's intelligence service. Orally transmitted matters are not provable; they can be denied by us in Geneva." He requested that written documents not be sent through the mails, or, if it was absolutely necessary to do so, that they be addressed, not to a government agency or office (where they might be opened by the mail clerks) but to the recipient personally. (EC-177)

The fact that Keitel was a member of the Nazi conspiracy in good standing is apparent from his statement that he held the Golden Party Badge, and that consequently the Party considered him a member as from the autumn of 1944, when the law against military personnel being members of the Party was changed (1944 RGBL. I, 317). His political convictions were those of National Socialism, and he was a loyal follower of Hitler. (1954-PS)

At the second meeting of the Working Committee of the Councillors for Reich Defense held on 26 April 1933, the chairman, Colonel Keitel, pointed out the necessity and desirability for the creation of the Reich Defense Council which had been determined on by a cabinet decision of 4 April 1933. He said that a general program for the creation of a war economy had already been completed, but that it would take a long time to carry out the program. He explained that it was the purpose and objective of the Working Committee of the new Defense Council to overcome these difficulties. (EC-177)

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On 6 December 1935 General Major Keitel, chairman of the eleventh meeting of the Reich Defense Council, pointed out that the mobilization year was to begin on 1 April and to end on 31 March of the following year. For the first time, a "Mobilization Book for Civilian Agencies" was to be issued on 1 April 1936. Keitel said that this day, to the extent possible, should find the nation ready and prepared. He declared that, according to the will of the Fuehrer, the economic management of the country should put the enhancement of military capacity above all other national tasks. Keitel emphasized that it was the function of all members of the Reich Defense Council to use all available resources economically and to ask for only such funds and raw materials as were absolutely and exclusively needed for the defense of the Reich.

In the presence of Keitel, Colonel Jodl said that the "Mobilization Book for the Civilian Agencies" constituted the unified basis for the carrying out of mobilization outside of the Army. (EC-406)

The twelfth meeting of the Working Committee of the Reich Defense Council, held on 14 May 1936, was opened by Field Marshal von Blomberg, War Minister and Supreme Army Commander. He stressed the necessity for a total mobilization, including the drafting of the necessary laws, preparations in the re-militarized Rhineland zone, financing and rearmament. Lt. General Keitel, in his capacity as chairman of the Working Committee of the Reich Defense Council, again stressed the necessity for secrecy. Ministerial Director Wohlthat pointed out that, in order to guarantee rearmament and an adequate food supply, an increase in production and utmost economy were necessary, a postulate that had led to the special mandate given by the Fuehrer to Minister President Goering. (EC-407)

Keitel participated also in the activities of the conspirators to re-militarize the Rhineland. At that time he was Chief of the *Wehrmachtsamt* under von Blomberg and signed, on the latter's behalf, the order for naval participation in the operation. (C-194)

Keitel also took part in the war-planning activities of the Reich Cabinet, of which he was a member. The cabinet consulted by meetings, and by the circulation of decrees among its members for their approval or disapproval. (See generally Section 3 of Chapter XV on the Reich Cabinet.) Keitel was a member of the Secret Cabinet Council, which has been described as "a select committee" of the cabinet for deliberation on foreign affairs. (1774-PS)

A Reich Defense Council was established by the ordinary cabinet in 1933. It was a war-planning group, and Keitel took part in the meetings of its working committee. (EC-177; EC-406; EC-407)

On 4 December 1938 a Secret Defense Law was passed, which defined the duties of the Reich Defense Council. As Chief of OKW, Keitel was a member of the council, and he also presided over the Council's Working Committee (*Reichsverteidigungsausschuss*). (2194-PS)

The Secret Defense Law of 1938 provided for a Plenipotentiary for Economy, whose task was to "put all economic forces into the service of the Reich defense, and to safeguard economically the life of the German nation", and for a Plenipotentiary for Administration, whose duties were to take over "the uniform leadership of the non-military administration with exception of the economic administration" upon the declaration of a "state of defense". Certain ministries were, in peace-time, bound by the directives of the plenipotentiaries. The latter were bound, in turn, under certain conditions, together with the ministries subordinate to them, to take directions from the Chief of OKW. Keitel could also, in a state of defense, issue orders to the Minister of Transport and the Minister of Posts. In addition, he presided over the Council's Working Committee, which prepared the Council's decisions, saw that they were executed, and obtained collaboration between the armed forces, the chief Reich offices, and the Party. Keitel regulated the activities of this committee and issued directions to the plenipotentiaries and certain Reich ministries to assure uniform execution of the council's decisions. (2194-PS)

The two plenipotentiaries and the OKW formed what was known as a "Three Man College" (2608-PS). This system of a three man college functioned as follows, from a legislative point of view: The Plenipotentiary for Economy was empowered by paragraph 4 of the Secret Defense Law of 4 September 1938 to issue laws within his sphere, with the consent of the OKW and the Plenipotentiary for Administration, which differed from existing laws. Similarly, the Plenipotentiary for Administration was empowered by paragraph 3 of the same law to issue laws within his sphere, with the consent of the OKW and the Plenipotentiary for Economy, which differed from existing laws.

In the spheres of the Reich Minister of Posts, the Reich Minister of Transport and of the General Inspector for German roads (*Generalinspektor fuer die Strassenwesen*), the Chief of the OKW had the right, under paragraph 5 of the same law, to issue laws,

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in agreement with the Plenipotentiaries for Administration and Economy, which differed from existing laws. (2194-PS)

The legislative function of the three man college, prior to 9 September 1939 was one of drafting decrees to be used in time of war.

The Council of Ministers for the Defense of the Reich was established by a decree of Hitler on 30 August 1939. It was formed out of the Reich Defense Council, and included among its members the two plenipotentiaries of the council and the Chief of OKW. (2018-PS)

The Council had the power to pass decrees with the force of law, and to legislate for the occupied Eastern Territories (1939 RGBI, I, 2077). Decrees of the council were circulated, before enactment, among all the members by written communication from Dr. Lammers, who was also on the Council. (2231-PS)

Frick has referred to the Council of Ministers as "the highest permanent organ of the Reich with comprehensive jurisdiction, responsible only to the Fuehrer". "The composition of the Ministerial Council for the Defense of the Reich", he added, "shows the real concentration of power in it". He said also that Keitel was liaison between the council and the armed forces, it being primarily his duty to coordinate the measures for civilian defense in the area of administration and economy with the genuine military measures for the defense of the Reich. (2608-PS)

Keitel also took an active part in collaborating with and in instigating the Japanese to enter the war. Nazi policy with regard to Japan was expressed in an order signed by Keitel on 5 March 1941. This order was distributed to the OKH, OKM, and OKL, and also to Jodl. It stated that Japan must be drawn actively into the war, and that the taking of Singapore would mean a decisive success for the three powers. (C-75)

At about the time this order was issued, a meeting was held with Hitler, in which Raeder urged that Japan be induced to attack Singapore. Keitel and Jodl were both present at this meeting. (C-152)

Keitel may have known of a report from the Military Attache in Tokyo that preparations were continuing for a sudden attack on Singapore and Manila. (1538-PS)

D. KEITEL'S PART IN PLANNING AND LAUNCHING WARS OF AGGRESSION.

(See "F" 1 through 7, *infra*, where the joint responsibility of Keitel and Jodl for these activities is discussed.)

E. KEITEL'S PART IN THE CONSPIRACY TO COMMIT WAR CRIMES AND CRIMES AGAINST HUMANITY.

(1) *Murder and ill treatment of civilian populations in occupied territory and on the high seas.* Keitel committed many crimes of this nature, by ordering such criminal activities.

On 13 May 1941 Keitel, as Chief of OKW, signed an order from the Fuehrer's Headquarters providing that Russian civilians suspected of offenses against German troops should be shot or ruthlessly punished without a military trial, and that prosecution of German soldiers for offenses against Russian civilians was not required (C-50). On 27 July 1941 he ordered that all copies of this decree should be destroyed, but without affecting its validity. (C-51)

On 23 July 1941 Keitel signed an order concerning the administration of occupied Russia. This order provided that legal punishments were inadequate in so great an area, and that troops should use terrorism in crushing the population's will to resist. (C-52)

Keitel signed one of the so-called *Nacht und Nebel* decrees on 7 December 1941. It provided that in occupied territories of the west civilians would be tried for offenses against the German state only if the death sentence was likely to be carried out within a few days of arrest. Otherwise the accused would be taken to Germany, and no information would be given about them in reply to any inquiries. (666-PS)

By a first ordinance of 7 December 1941 Keitel made the provisions of the foregoing directive applicable to the following offenses; attacks against life or bodily health, espionage, sabotage, communistic conspiracy, offenses likely to create disturbances, assistance to the enemy, and illicit possession of arms. His ordinance also provided that the offenses mentioned were to be tried in the occupied countries only if it were likely that the death sentence would be pronounced, and if it were possible to complete trial and execution within a very short time, as a rule within a week after arrest. In case of trial in Germany, it was provided that alien witnesses could be heard only with the consent of the High Command of the Armed Forces and that the public would not be admitted to the proceedings. (L-90)

In a communication issued by him in his capacity as Chief of the High Command of the Armed Forces Keitel on 12 December 1941 stated with respect to the aforementioned directive and ordinance:

"Efficient and enduring terrorization can be achieved only

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either by capital punishment or by measures to keep the relatives of the criminal and the population in the dark as to the fate of the criminal. This aim is achieved by transferring the criminal to Germany." (L-90)

In pursuance of Keitel's *Nacht und Nebel* decree, Admiral Canaris on 2 February 1942 issued instructions to the *Abwehr* to punish crimes against the *Wehrmacht* accordingly. At first the order was to apply only to Norway, Holland, Belgium, and France. (833-PS)

The Chief of the SIPO and SD reported to OKW on 24 June 1942 that a Frenchman had died while awaiting trial in Germany, and that, in order to create anxiety in accordance with the decree, his family had not been notified. Keitel's OKW approved of this procedure, which had been established for such cases by an OKW order of 16 April 1942. (668-PS)

When, on 20 April 1941 Hitler appointed Rosenberg "Deputy for a Centralized Treatment of Problems concerning the Eastern Territories," Keitel was asked to designate a representative of OKW to sit with Rosenberg. Keitel designated Jodl as his representative and Warlimont as deputy. (865-PS)

Thus Keitel and Jodl share the responsibility for crimes committed by Rosenberg's administration. In this connection reference is made to section 7 of this chapter on Rosenberg.

Among the decrees issued by the Council of Ministers, of which Keitel was a member, are two which connect him with harsh treatment of inhabitants of the Occupied Eastern Territories. (2746-PS; 2039-PS)

(2) *Deportation of civilian populations in occupied territories for slave labor and other purposes.* Keitel's connection with the forced labor program began at a meeting with Hitler on 23 May 1939, when it was announced that Poland would be invaded, and also that non-German populations would be available as a source of labor. (L-79)

Keitel directed the execution of Hitler's order to use Russian prisoners of war in German war industries, and stated that OKW (AWA) would furnish to the Secretary of Labor information on the use of such labor, and provide the labor force. (EC-194)

Sauckel was appointed Plenipotentiary General for Manpower by a decree of 21 March 1942, signed by Hitler, Lammers, and Keitel. (1666-PS)

On 8 September 1942 Keitel initialled a Hitler order requiring citizens of France, Holland, and Belgium to work on the "Atlantic Wall". The order was to be enforced by the withdrawal of food

and clothing ration cards (556-2-PS). Keitel was informed of the quotas of foreign laborers which Sauckel and his agents were to fill. Sauckel requested the assistance of the Army, and asked that pressure be used to obtain the quotas, if necessary. (3012-PS)

At a conference with Hitler on 4 January 1944, at which Keitel was present, it was determined that Sauckel should obtain 4,000,000 new workers from occupied territories. (1292-PS)

(3) *Murder and ill treatment of prisoners of war, and of other members of the armed forces of the countries with which Germany was at war, and of persons on the high seas.* On 18 October 1942 Hitler ordered that commando troops, even if in uniform, should be killed, not only in battle, but in flight or while attempting to surrender (498-PS). An order regulating the treatment of paratroopers had been issued by Keitel about a month earlier. It provided that captured paratroopers were to be turned over to the SD. (553-PS)

A supplementary explanation of the commando order, signed by Hitler, was distributed to commanding officers only, with a covering memorandum dated 19 October 1942, signed by Jodl (503-PS). Several cases are known in which the order was carried out (508-PS; 509-PS). Three specific instances were mentioned by the G-3 of the C-in-C, Norway, where captured members of sabotage units were executed after interrogations which resulted in valuable intelligence. These occurred at Glomfjord, Drontheim, and Stavanger. (512-PS)

On 23 June 1944 the Supreme Command West requested instructions redefining the scope of the commando order. In view of the extensive landings in Normandy, it had become difficult to decide which paratroops should be considered sabotage troops under the terms of the order, and which should be considered as engaged in normal combat operations. The question was answered by an order of 25 June 1944, one copy of which was signed by Keitel, reaffirming the full force of the original order (531-PS; 551-PS). Keitel extended the application of the commando order to members of Anglo-American and Russian "military missions" taken in the fighting against the partisans in the southeast and southwest. (537-PS)

When allied fliers were forced to land in Germany, they were sometimes killed by the civilian population. The police had orders not to protect the fliers, nor to punish civilians for lynching them. A proposal was considered to order the shooting without court-martial of enemy airmen who had been forced down

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after engaging in specified "acts of terror". Whether or not the order was ever issued is immaterial, for it is certain that Keitel and Jodl knew of the lynchings, did nothing to prevent them, and in fact considered giving them official justification.

(See also "F", 8, *infra*, in which the joint responsibility of Keitel and Jodl for the lynching of Allied airmen is discussed.)

Keitel's criminal activities against Soviet prisoners of war are shown by the following. On 8 September 1941 Keitel's OKW issued a regulation for the treatment of Soviet prisoners of war. It stated that Russian soldiers would fight by any methods for the idea of Bolshevism and that consequently they had lost any claim to treatment in accordance with the Geneva Convention. Stern measures were to be employed against them, including the free use of weapons. The politically undesirable prisoners were to be segregated from the others and turned over to "special purpose units" of the Security Police and the Security Service. There was to be the closest cooperation between the military commanders and these police units. (1519-PS)

Admiral Canaris of the Abwehr considered this order in such direct violation of the general principles of International Law that he addressed a memorandum of protest to Keitel on 15 September 1941. He pointed out that, while the Geneva Convention was not binding between Germany and the USSR, the usual rules of International Law should be observed; that such instructions, particularly those concerning the use of weapons, would result in arbitrary killings; and that the disposition of politically undesirable prisoners would be decided by the SIPO and the SD according to principles of which the *Wehrmacht* was ignorant. (As to this argument, Keitel wrote in the margin "Very efficient" and "Not at all.") Keitel received and considered this memorandum, for on its first page there is the following comment in his handwriting, dated 23 September and initialled "K":

"The objections arise from the military concept of chivalrous warfare. This is the destruction of an ideology. Therefore I approve and back the measures." (EC-338)

The regulations which Canaris had protested were restated on 24 March 1942, but their essential provisions were unchanged. (695-PS)

An order of Keitel's OKW dated 29 January 1943, signed by Reinecke, contains a broad interpretation of the guards' right of self-defense against prisoners. For example, self-defense includes not only the guard's person, but his honor and property, and third parties, such as the State. (656-PS)

That Keitel knew of the appalling treatment of Russian pris-

oners of war, and the high death rate among them, appears from the statements in a letter sent to him by Rosenberg on 28 February 1942. The letter stressed the need for better treatment of the Russians, so that they would be well impressed by the Germans. (081-PS)

An order of Keitel's OKW provided that escaped officers and non-working non-commissioned officers other than Americans and British were to be turned over to the SIPO and SD upon recapture. The SIPO and SD, upon instructions from their chief, would then transport the men to the Mauthausen concentration camp under operation "Kugel" (L-158). Such prisoners were executed at Mauthausen upon arrival (2285-PS). Americans and British who were recaptured might be turned over to the SIPO and SD, upon decision of the "W.Kdos" from the OKW/o.i.c. (L-158)

(4) *Killing of Hostages.* Keitel's criminal activities are shown by the following two documents. On 16 December 1941 he signed an order stating that uprisings among German troops in occupied territories must be considered as inspired by a communist conspiracy, and that the death of one German soldier must mean death for fifty or one hundred communists. (829-PS)

Keitel also signed an order (received by the OKH on 1 October 1941) specifying that hostages should be well known, and that they should come from Nationalist, Democrat, or Communist political factions. After each act of sabotage hostages belonging to the saboteur's group should be shot. (1590-PS)

(5) *Plunder of public and private property.* The looting of cultural property was carried on chiefly under Rosenberg by the *Einsatzstab Rosenberg*, an organization established for that purpose. In the West he was to act in his capacity as Reichsleiter, and in the East in his capacity as Reichsminister. Keitel's OKW cooperated with Rosenberg, and directions for carrying out the order were to be issued by the Chief of the OKW in agreement with Rosenberg (149-PS). Keitel ordered the military authorities to cooperate in this program (137-PS; 138-PS). A memorandum of 17 May 1944 in the Rosenberg Ministry states that the *Wehrmacht* was one of the principal agencies engaged in removing treasures from Russia. (1107-PS)

Keitel was also responsible for the removal of machine tools, foodstuffs, and other materials from occupied territories. (1161-PS; 743-PS)

(6) *The exaction of collective penalties.* Collective penalties

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were exacted from the population for acts of individuals for which it could not be held responsible. Keitel advocated such measures. This appears from correspondence on acts of sabotage in the shipbuilding yards. (C-48; 870-PS; 871-PS)

(7) *Germanization of Occupied Territories.* On 16 July 1941 Keitel was present at a meeting with Hitler where the policy was announced of exploiting occupied Russian territory and making it part of the Reich. (L-221)

In order to promote a racially valuable German heritage an order signed by Hitler, Lammers, and Keitel provides for payment of subsidies to Norwegian or Dutch women who had borne children of German soldiers. The Chief of OKW was authorized to extend its application to other occupied territories. (2926-PS)

(8) *Persecution of minorities.* Keitel's responsibility for the persecution of minorities in Germany appears from the fact that, with Hitler, Goering, and Lammers, he signed a decree on 7 October 1939 which provided that the harmful influence of foreigners must be eliminated from Germany; that Germans could be resettled by the Reichsfuehrer SS; and that the Reichsfuehrer SS could perform "all necessary general and administrative measures" to discharge this duty. (686-PS)

Keitel's responsibility for the criminal treatment of Jews is apparent from his own statement that the struggle against Bolshevism necessitated a ruthless proceeding against the Jews; the *Wehrmacht* was not to use them for any service, but they could be placed in labor columns under German supervision. (878-PS)

F. JOINT RESPONSIBILITY OF KEITEL AND JODL FOR PLANNING AND LAUNCHING WARS OF AGGRESSION, AND FOR THE LYNCHING OF ALLIED AIRMEN.

(1) *Aggression against Austria.* In June of 1937 von Blomberg ordered preparations for "Case Otto"—armed intervention in Austria in event of a Hapsburg restoration (C-175). New plans were made in 1938 under the same name. German policy in 1938 was to eliminate Austria and Czechoslovakia, and there was a campaign to undermine Austria's will to resist, by pressure on the government, by propaganda, and by fifth column activity. (1780-PS)

Keitel was present at Berchtesgaden when Schuschnigg visited Hitler there in February 1938. Schuschnigg was subjected to political and military pressure, which resulted in such concessions to the Nazis as the reorganization of the Austrian cabinet

(1780-PS). Keitel and Jodl and Canaris were instructed to keep up the military pressure against Austria by simulating military measures until 15 February. (1780-PS) The OKW submitted proposals to Hitler regarding the Austrian campaign; these included suggestions of false rumors and broadcasts. A note in Jodl's handwriting states that Hitler approved the memorandum by telephone and that Canaris was informed. (1775-PS)

Hitler ordered preparation of "Case Otto"—mobilization of army units and air forces (1780-PS). Hitler's directive for "Case Otto" was initialled by Keitel and Jodl. Jodl issued supplementary instructions (C-102; C-103). Jodl initialled Hitler's order for the invasion of Austria. (C-182)

(2) *The Execution of the plan to invade Czechoslovakia.* On 21 April 1938 Hitler and Keitel met and discussed plans for the taking of Czechoslovakia. They considered a military attack after a period of diplomatic friction, or as the result of a created incident, such as the assassination of the German ambassador at Prague. (388-PS)

After the invasion of Austria, *Wehrmacht* planning was devoted to "Case Green," the operation against Czechoslovakia (1780-PS). Case Green was first drafted in 1937, when it was thought that a "probable warlike eventuality" would be "war on two fronts with the center of gravity in the southeast." A surprise attack on Czechoslovakia was considered possible (C-175). Through the late spring and summer of 1938 Case Green was revised and modified. The memoranda and correspondence are frequently signed or initialled by Keitel, and it is clear that he knew of Hitler's intention to use force against Czechoslovakia and made the plans to carry out that intention. (388-PS; 1780-PS; 2353-PS)

There were many meetings on Case Green in September 1938, some with Hitler, some with Keitel and Jodl. The timing of troop movements was discussed; the question of advance notice to OKH; preparations of railroads and fortifications; even propaganda to counteract the anticipated violations of International Law which the invasion would entail (388-PS; 1780-PS; C-2). Assistance was given by OKH to the Sudeten German Free Corps, an auxiliary military organization which operated under Henlein to create disorder in Czechoslovakia. (1780-PS; 388-PS)

In October 1938 Hitler addressed to the OKW four specific questions about the time and the forces that would be required to break Czech resistance in Bohemia and Moravia, and Keitel submitted the answers prepared by the OKH and Luftwaffe (388-

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PS). On 21 October 1938 Hitler signed an order (and Keitel initialled it) requiring the *Wehrmacht* to make preparations to take the remainder of Czechoslovakia. (C-136)

Two months later Keitel issued a supplement to this order, stating that on the order of the Fuehrer preparations for the liquidation of Czechoslovakia were to continue, and stressing the importance of having the attack well camouflaged and unwarlike in appearance. (C-138)

Keitel was present at the interview between Hitler and Hacha at the Reich Chancellery on 15 March 1939, when the Czech representatives delivered their country to Hitler, after hours of duress, which included the threat of immediate bombing of Prague. (2798-PS; 2943-PS)

(3) *Aggression against Poland*. On 25 March 1939—four days after Ribbentrop pressed new demands for Danzig on the Polish Ambassador—Hitler told von Brauchitsch, Commander-in-chief of the Army, that he did not intend to solve the Polish question by force for the time being but requested that plans for that operation be developed. (R-100)

On 3 April 1939 Keitel, as Chief of the High Command of the Armed Forces, reissued over his signature the directive for the Uniform Preparation for War by the Armed Forces for 1939/40. The directive, noting that the basic principles for the sections on "Frontier Defense" and "Danzig" remained unaltered, stated that Hitler had added the following directives to "Fall Weiss":

"1. Preparations must be made in such a way that the operation can be carried out at any time from 1.9.39 onwards.

"2. The High Command of the Armed Forces has been directed to draw up a precise timetable for "Fall Weiss" and to arrange by conferences the synchronized timings between the three branches of the Armed Forces.

"3. The plans of the branches of the Armed Forces and the details for the timetable must be submitted to the OKW by 1.5.39." (C-120)

It is noteworthy that, even in April of 1939, the tentative timetable called for the invasion of Poland to be carried out at any time from 1 September 1939 onwards.

About a week later, an order signed by Hitler was circulated to the highest commands of the Army, Navy and Air Force. This confirmed Keitel's directive to prepare for three eventualities: "Frontier Defense", "Fall Weiss", and the Annexation of Danzig. Annex II contained further instructions for "Fall Weiss". In the first paragraph, headed "Political Hypotheses and Aims", it was

stated that should Poland adopt a threatening attitude toward Germany, a "final settlement" would be necessary *notwithstanding the pact with Poland*. "The aim is then to destroy Polish military strength . . ."

It was further stated that the Free State of Danzig would be incorporated into Germany at the outbreak of the conflict, at the latest. The directive continued: "Policy aims at limiting the war to Poland, and this is considered possible in view of the internal crisis in France and British restraint as a result of this."

The general political background against which the Armed Forces were to work having thus been set down, the later paragraphs outlined the tasks and operational objectives of the three branches of the Armed Forces. It was also decreed that a "camouflaged or open ('general' added in ink) mobilization will not be ordered before D-Day 1 at the latest possible moment", and further that the "preparations for the opening of operations are to be made in such a way that—without waiting for the planned assembly of mobilized units—positions can be taken up immediately by the first available troops." (C-120)

On 10 May an order signed by Hitler promulgated his instructions for the seizure of economic installations in Poland and directed the commanders-in-chief of the three branches of the armed forces to report by 1 August 1939 on the measures taken in consequence of these instructions. (C-120)

On 23 May 1939 Hitler called a meeting of his military leaders at the Reich Chancellery. Keitel was at the meeting; Jodl was not, but Warlimont (also from the Planning Department of OKW) was. Hitler announced the necessity of a war against Poland, not over Danzig, but in order to acquire living space in the East. He recognized the possibility that this would provoke a war against France and England, but the *Wehrmacht* was instructed to prepare detailed plans. (L-79)

A directive dated 22 June 1939, signed by Keitel as Chief of the OKW, indicates an advanced stage of preparation. On the basis of particulars already available from the Navy, Army, and Air Force, he stated, he had submitted to Hitler a "preliminary timetable" for "Fall Weiss." The Fuehrer was reported to be in substantial agreement with the intentions submitted by the three branches; he had also made suggestions with regard to the need to camouflage the scheduled maneuvers "in order not to disquiet the population," and had commented on the disposition of an SS Artillery Regiment. (C-126)

Two days later, Keitel issued instructions for further study

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on two specific problems: the capture, in undamaged condition, of bridges over the Vistula; and the possible adverse effect of Navy mining in Danzig Bay on the element of surprise in the Army's attack against the bridge at Dirschau, southeast of Danzig. (C-120)

On 22 August 1939, Hitler called together at Obersalzberg the Supreme Commanders of the three branches of the armed forces, as well as the lower ranking Commanding Generals (*Oberbefehlshaber*), and announced his decision to attack Poland near dawn on 26 August. Keitel was at this meeting. (L-3; 798-PS; 1014-PS)

Three documents reporting this meeting have been uncovered: the text of one, L-3, overlaps the contents of the other two, 798-PS and 1014-PS; the latter two appear to be complementary, 798-PS being a record of a morning speech, and 1014-PS of an afternoon speech. Violent and abusive language appears in both L-3 and 798-PS. That Hitler made, at a minimum, the following points, appears from all of them:

1. The decision to attack Poland was made last spring. (L-3; 798-PS)

2. The aim of the war in Poland is to destroy the Polish armed forces, rather than to reach a fixed line. (L-3; 1014-PS)

3. The attack will start early Saturday morning, 26 August (L-3; 1014-PS)

4. A spurious cause for starting the war will be devised by German propaganda. It is a matter of indifference whether it is plausible or not. The world will not question the victor (L-3; 1014-PS). The text in L-3 further describes the pretext to be used to start the war: "I'll let a couple of companies, dressed in Polish uniforms, make an assault in Upper Silesia or in the Protectorate."

A handwritten entry in the diary of Jodl, at that time Chief of the Operations Department of the OKW, confirms that the time for the attack on Poland had been fixed for 0430 on 26 August 1939. (1780-PS)

(4) *Aggression against Norway and Denmark.* On or about 12 September 1939 Hitler ordered the OKW to start preparations for the occupation of Norwegian bases early in 1940. (1546-PS)

The possibility of using Quisling was discussed with Hitler on 12 December 1939, in a conference at which Raeder, Keitel, and Jodl were present. Hitler agreed with Raeder's suggestion that, if he was favorably impressed with Quisling, the OKW should

be authorized to prepare for the occupation either with Quisling's assistance, or by force. (C-64)

In January of 1940 the Navy was ordered to concentrate barges for the invasion, and further preparations were to be conducted under the code name "*Weserübung*" (C-63). The general directive for the invasion was issued by Hitler on 1 March 1940. (C-174; 1809-PS)

(5) *Aggression against Belgium, the Netherlands, and Luxembourg.* At a conference with Hitler on 23 May 1939 it was determined that the occupation of the Low Countries was necessary to the successful conduct of the war against England. A small planning staff was formed at OKW with responsibility for further planning of the invasion, and complete secrecy was invoked. Keitel was at this meeting. (L-79)

On 9 October 1939 it was stated in a general directive for the conduct of the war in the West that the invasion should be started soon, in order to protect the Ruhr and to provide air bases for use against England. A copy of this directive was distributed to OKW. (L-52)

In October and November of 1939 a number of military orders was issued concerning the invasion of the Low Countries—"Fall Gelb". Questions of how far the troops should advance under the plan were clarified (C-62; 440-PS). Instructions were issued concerning the deployment of troops, communications systems, crossing of the borders, and the administration and pacification of the countries to be taken (2329-PS). Provisions were made for special operations by the 7th Flieger Division near the Belgian-French border. (C-10)

Between 7 November 1939 and 9 May 1940 seventeen orders were issued setting and postponing the day for starting operations. These delays were caused by the weather. One of the orders, dated 11 January 1940, shows that all the others were concerned with the action against the Low Countries, and that the 7th Flieger Division (see C-10) was involved. All these orders were signed either by Keitel or Jodl. (C-72)

The development of the plans, and the various questions which came up for consideration are shown in the entries in Jodl's diary. At one point the Foreign Office did not regard the prepared justification for the attack as satisfactory, but Jodl thought it was sufficient. His diary shows the existence of the plan against the Low Countries and the steps taken to put it into execution. (1809-PS)

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(6) *Aggression against Greece and Yugoslavia.* On 12 November 1940 Hitler issued orders to the Army to prepare for the occupation of the Greek mainland (444-PS). On 13 December 1940 a Hitler order stated that the invasion of Greece was planned and would start as soon as the weather became favorable. The composition of combat teams and their routes of march were given. When the Greek operation was concluded, the mass of the troops involved were to be employed for a new task. This order was distributed to the OKW, as well as to the three armed services. (1541-PS)

On 11 January 1941 Hitler ordered preparation for armed intervention in Albania, to assist the Italians against Greece. The order was initialled by Keitel and Jodl (448-PS). On 20 January 1941 Jodl reported, in notes of a meeting between Hitler and Mussolini, that Hitler stated that one of the purposes of German troop concentrations in Rumania was for use in his plan for the operation against Greece. This was four months prior to the attack. (C-134)

On 19 February 1941 an OKW order signed by Warlimont gave decisions for carrying out the Greek campaign, providing that pontoon building would commence on 26 February, and that the Danube would be crossed on 2 March. (C-59)

On 18 March 1941 Raeder, in the presence of Keitel and Jodl, asked for confirmation that the whole of Greece would have to be occupied even in the event of a peaceful settlement, and Hitler replied that complete occupation was a prerequisite to any settlement. (C-167)

At a meeting on 27 March 1941, attended by both Keitel and Jodl, Hitler outlined the proposed operations against Yugoslavia and Greece. The actual plan for military operations, Directive No. 25, was issued on the same day. (1746-PS)

(7) *Aggression against the U.S.S.R.* On 12 November 1940 Hitler issued a directive in which, among other things, it was stated that preparations for the East already verbally ordered should be continued, regardless of the outcome of current political discussions for the clarification of Russia's attitude. The directive was initialled by Jodl. (444-PS)

The original directive for preparation of the attack on Russia—case "Barbarossa"—was signed by Hitler on 18 December 1940 and initialled by Keitel and Jodl (446-PS). On 3 February 1941 Hitler held a meeting to discuss the intended invasion. Keitel and Jodl were both present (872-PS). On 1 March 1941 an OKW map was prepared to show the intended division of occupied

Russian territory. The distribution list shows that Keitel and Jodl received copies. (1642-PS)

In March of 1941 Keitel wrote to Reich Minister Todt to give him detailed instructions about camouflaging the coming invasion. The letter was initialled by Jodl. (874-PS)

On 13 March 1941 Keitel issued an operational supplement to Hitler's Barbarossa order (446-PS). This order defined the area of operations and established the relationship between political and military officers in those areas (447-PS). On 1 June 1941 there was issued, with Hitler's approval, a timetable for the invasion, showing the disposition and missions of the Army, Navy, and Air Force. This paper was signed by Keitel (C-39). On 14 June 1941 an order was issued for final reports on Barbarossa to be made in Berlin by Army, Navy, and Air Commanders. (C-78)

While the foregoing preparations were being made, planning for the production of armaments and supplies was being conducted by one of Keitel's subordinates, General Thomas, Chief of the *Wirtschaft Ruestungsamt* in OKW. (2353-PS)

By a Fuehrer order dated 20 April 1941 Rosenberg was appointed "Deputy for a Centralized Treatment of Problems concerning the Eastern Territories". Jodl and Warlimont were appointed Keitel's representatives with the Rosenberg office (865-PS). A preliminary report by Rosenberg on his work up to the time of the invasion mentions Keitel and Jodl as having consulted and worked with him in those preparations. (1039-PS)

A memorandum written by General Thomas on 20 June 1941 states that Keitel had confirmed to him Hitler's policy on raw materials—that it took less manpower to seize territories containing raw materials, than it did to make synthetic substitutes. (1456-PS)

(8) *War Crimes and Crimes against Humanity;—Crimes against Military Personnel—Lynching of Allied Airmen.* On 21 May 1944 Keitel received a note from WFST to the effect that Hitler had decided that enemy fliers who had been forced down should be shot without court-martial, if they had engaged in "acts of terror". Keitel wrote on the note "Please arrange for order to be drafted. K". (731-PS)

By 4 June 1944 Jodl and Warlimont were ready to go ahead with formulating the plans. Goering was to be asked what actions of enemy fliers should be punishable by death; the Airmen's Reception Camp at Oberursel was to be told which fliers should be delivered to the SD; and the Foreign Office was to be kept advised. (737-PS)

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At subsequent conferences Keitel and Jodl raised questions about the difficulty of establishing general rules in such a matter. The "Acts of Terror" were:

1. Low level attacks on civilians.
2. Shooting German fliers in parachutes.
3. Attacks on civilian passenger planes.
4. Attacks on Red Cross hospitals or trains. (735-PS)

On 17 June 1944 Keitel wrote to the Foreign Office to ask their approval of the proposed measure and the agreed definition of "Acts of Terror" (730-PS). On the same day Keitel wrote to Goering to ask for his approval of the definitions of "Acts of Terror", and also to ask that he give verbal instructions to the Commandant of the camp at Oberursel to hand over fliers guilty of such acts to the SD. Both Keitel and Jodl initialled this letter (729-PS). Goering replied that fliers not guilty of acts of terror must be protected, and suggested that such matters be handled by the courts. (732-PS)

A draft of a Foreign Office letter dated 20 June 1944 expresses misgivings about the Geneva Convention, and concern about the publicity that would be involved. (728-PS)

On 26 June 1944 Goering's adjutant telephoned the WFST to say that Goering agreed to the procedures suggested. (733-PS)

On 29 June Warlimont was informed that Ribbentrop had approved the Foreign Office draft (728-PS), but wished to obtain Hitler's approval before communicating his own final written approval to Keitel. (740-PS)

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO WILHELM KEITEL

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5. ALFRED JODL

A. POSITIONS HELD BY JODL.

Operations Department of the Army (*Heer*), 1932-35.

Chief of the National Defense Section in the High Command of the Armed Forces (*Abteilung Landesverteidigung im OKW*), 1935-Oct. 1938.

Artillery Commander ("*Artillerie Kommandeur*") of the 44th Division. Vienna and Brno, Oct 1938-27 Aug. 1939.

Chief of Operation Staff of the High Command of the Armed Forces (*Chef des Wehrmachtsfuhrungstabes in Oberkommando der Wehrmacht*), August 1939-1945.

Dates of Promotion:

1932—Major and Oberstleutnant

1936—Oberst

1939—Generalmajor

1940—General der Artillerie

1944—Generaloberst (2865-PS).

B. FUNCTIONS OF JODL'S POSITIONS.

Jodl's most important office was that of Chief of the Operations Staff (*Wehrmachtsfuhrungstab*) in OKW. In this capacity he was directly subordinate to Keitel and equal in status to other departmental chiefs in OKW. However, insofar as the planning and conduct of military affairs are concerned, Jodl and his staff were more influential than the other departments.

The OKW Operations Staff was also divided into sections. Of these the most important was the "National Defense" section, of which Warlimont was chief. He was primarily concerned with

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the development of strategic questions. From 1941 onwards Warlimont, though charged with the same duties, was known as Deputy Chief of the OKW Operations Staff. (3707-PS)

Jodl drafted many directives for Hitler to sign, for the preparation of military operations and plans of deployment, and for the possible initiation and commencement of military measures relating to matters of organization, operations, or "war-economics." While in a theater of operations, Jodl would report twice daily to Hitler about operations, and then prepare the Fuehrer directives. There was direct contact between Hitler and Jodl, though Keitel was kept informed of what passed between them.

In addition to certain ministerial functions, the OKW was Hitler's military staff. Its most important duty was the development of strategic and operational plans. Such plans were worked out by the OKW Operations Staff in broad outline, and then in more detail by the Commanders and Chiefs of Staffs of the Army, Navy, and Air Force. After Hitler had approved the plans they were transmitted by the OKW to the appropriate military authorities (3705-PS; 3702-PS; 3707-PS).

C. JODL'S PART IN THE CONSPIRACY TO COMMIT CRIMES AGAINST PEACE.

Jodl's loyalty to the Nazi party doctrine is evident in a speech he delivered on 7 November 1943. He spoke of the National Socialist Movement and its struggle for internal power as the preparation for liberation from the Treaty of Versailles. (L-172)

He also stated, in a speech on the occasion of the attempted assassination of Hitler, that his aims had been in general agreement with the aims of the party. (1808-PS)

At the sixth meeting of the Working Committee of the Reich Defense Council on 7 February 1934 Jodl pointed out that the practical execution of the preparations for mobilization, which had been ordered by the Army and the highest Reich authorities, were making a considerable enlargement of personnel necessary. He suggested, however, that this enlargement of personnel ought not to result in "the disquieting of foreign countries through conspicuous mobilization measures." (EC-405)

In the presence of Jodl, Generalmajor Keitel pointed out at the eleventh meeting that the mobilization year was to begin on 1 April and to end on 31 March of the following year. A "Mobilization Book for Civilian Agencies" was to be issued for the first time on 1 April 1936. Keitel said that this day, to the extent

possible, should find the nation ready and prepared. He declared that, according to the will of the Fuehrer, the economic management of the country should put the enhancement of military capacity deliberately above all other national tasks. It was the function of all members of the Reich Defense Council, he emphasized, to use all available resources economically and to ask for only such funds and raw materials that were absolutely and exclusively needed for the defense of the Reich. Colonel Jodl said that the Mobilization Book for the Civilian Departments constituted the unified basis for the carrying out of mobilization outside of the Army (EC-406).

D. JODL'S PART IN PLANNING AND LAUNCHING WARS OF AGGRESSION.

(See "F," 1 through 7, in Section 4 of this Chapter on Keitel, where the joint responsibility of Keitel and Jodl for these activities is discussed.)

E. JODL'S PART IN THE CONSPIRACY TO COMMIT WAR CRIMES AND CRIMES AGAINST HUMANITY.

(1) *Murder and ill treatment of civilian population in occupied territories and on the high seas.* Jodl ordered the forcible evacuation of all persons in a northern district of Norway, and the burning of all their dwellings. This was to be done so that the inhabitants of that area could not help the Russians (754-PS). Shortly thereafter an evacuation took place in Finnmark County in northern Norway, in the course of which 30,000 houses were damaged. (1800-PS)

Jodl was aware that in 1942 there were continual arrests in Belgrade, and that from fifteen to thirty followers of Mihalovic were shot every day. (1383-PS)

Jodl initialled an order signed for Hitler by Keitel, which provided that enemy civilians guilty of offenses against German troops should be killed without a military trial, and that punishment could be waived in the case of German soldiers who committed offenses against enemy civilians. (886-PS)

Rosenberg was appointed by Hitler on 20 April 1941 "Deputy for a Centralized Treatment of Problems concerning the Eastern Territories." The highest Reich authorities were to cooperate fully, and Keitel was asked to designate a representative of OKW to sit with Rosenberg. Jodl was appointed as Keitel's representative with Warlimont as his deputy, and Keitel wrote

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to Rosenberg on 25 April 1941 that Jodl and Warlimont would be the OKW representatives. (865-PS)

Responsibility for crimes committed under Rosenberg's authority thus attach to Jodl as well. In this connection reference is made to Section 7 of this chapter on Rosenberg.

(2) *Deportation of civilian populations of and in Occupied Territories for slave labor and for other purposes.* Jodl knew of the deportation of workers, for he once told Hitler that the military commander of France had reported that over 220,000 workers had been deported into the Reich in the past six months. (1383-PS)

(3) *Murder and ill treatment of prisoners of war, and of other members of the Armed Forces of the countries with whom Germany was at war and of persons on the high seas.* On 18 October 1942 Hitler ordered that commando troops, even if in uniform, should be killed, not only in battle, but in flight or while attempting to surrender. This order was issued by Jodl's department. (498-PS)

A supplementary explanation of the commando order, signed by Hitler, was distributed to commanding officers only, with a covering memorandum dated 19 October 1942, signed by Jodl (503-PS). Several cases are known in which the order was carried out. (508-PS; 509-PS)

Three specific instances were mentioned by the G-3 of the C in C, Norway, where captured members of sabotage units were executed after interrogations which resulted in valuable intelligence. These occurred at Gloafjord, Drontheim, and at Stavanger. (512-PS)

On 23 June 1944 C in C West requested instructions re-defining the scope of the commando order. In view of the extensive landings in Normandy, it had become difficult to decide which paratroops should be considered sabotage troops under the terms of the order, and which should be considered as engaged in normal combat operations. The question was answered by an order of 25 June 1944, one copy of which was signed by Keitel, reaffirming the full force of the original order. (531-PS; 551-PS)

When allied fliers were forced to land in Germany, they were sometimes killed by the civilian population. The police had orders not to protect the fliers, nor to punish civilians for lynching them. A proposal was considered to order the shooting without court-martial of enemy airmen who had been forced down after engaging in specified "acts of terror." It is not certain that the

order was ever issued, but it is certain that Keitel and Jodl knew of the lynchings, did nothing to prevent them and in fact considered giving them official justification.

(See also "F" at the end of Section 4 of this Chapter on Keitel, where the joint responsibility of Keitel and Jodl for the lynching of Allied airmen is discussed.)

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO ALFRED JODL

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	Charter of the International Military Tribunal, Article 6.....	I	5
	International Military Tribunal, Indictment Number 1, Section IV (H); Appendix A.....	I	29,66
	<p>Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.</p>		
*388-PS	File of papers on Case Green (the plan for the attack on Czechoslovakia), kept by Schmoldt, Hitler's		

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*444-PS	adjutant, April-October 1938. (USA 26).....	III	305
*446-PS	Original Directive No. 18 from Fuehrer's Headquarters signed by Hitler and initialled by Jodl, 12 November 1940, concerning plans for prosecution of war in Mediterranean Area and occupation of Greece. (GB 116).....	III	403
*448-PS	Top Secret Fuehrer Order No. 21 signed by Hitler and initialled by Jodl, Warlimont and Keitel, 18 December 1940, concerning the Invasion of Russia (case Barbarossa). (USA 31).....	III	407
*498-PS	Hitler Order No. 22, initialled by Keitel and Jodl, 11 January 1941, concerning participation of German Forces in the Fighting in the Mediterranean Theater of Operations. (GB 118).....	III	413
*503-PS	Top Secret Fuehrer Order for killing of commandos, 18 October 1942. (USA 501).....	III	416
*508-PS	Letter signed by Jodl, 19 October 1942, concerning Hitler's explanation of his commando order of the day before (Document 498-PS). (USA 542).....	III	426
*509-PS	OKW correspondence, November 1942, about shooting of British glider troops in Norway. (USA 545).....	III	430
*512-PS	Telegram to OKW, 7 November 1943, reporting "special treatment" for three British commandos. (USA 547).....	III	433
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*531-PS	concerning interrogation of saboteurs before shooting; and memorandum in reply from OKW, 14 December 1942. (USA 546).....	III	433
*551-PS	OKW memorandum, 23 June 1944, citing inquiry from Supreme Command West about treatment of paratroopers. (USA 550).....	III	435
*754-PS	Order signed by Keitel, 26 June 1944, concerning treatment of Commando participants. (USA 551).....	III	440
*789-PS	Teletype Order signed by Jodl, 28 October 1944, for evacuation of Norwegians and burning of houses. (GB 490).....	III	544
*865-PS	Speech of the Fuehrer at a conference, 23 November 1939, to which all Supreme Commanders were ordered. (USA 23).....	III	572
874-PS	Correspondence between Keitel, Rosenberg and Lammers, April 1941, concerning appointment of Jodl and Warlimont as OKW representatives with Rosenberg. (USA 143).....	III	621
886-PS	Draft letter to Todt, initialled K, J, and W, 9 March 1941, concerning Deception measures.....	III	634
*1039-PS	Fuehrer decree, 13 May 1941, on courts martial and treatment of enemy civilians in the district "Barbarossa", signed by Keitel for Hitler, and initialled by Jodl... Report concerning preparatory work regarding problems in Eastern Territories, 28 June 1941, found in Rosenberg's "Russia File". (USA 146).....	III	637
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*1229-PS	OKW Directive to the German Intelligence Service in the East, signed by Jodl, 6 September 1940. (USA 130).....	III	849
*1383-PS	Extract from transcription of stenographic report on discussion of current military situation, 12 December 1942. (GB 489).....	III	958
*1541-PS	Directive No. 20, Operation Mar-ita, 13 December 1940. (GB 117).	IV	101
1642-PS	Distribution list, 1 March 1941, for secret map of Soviet Union.....	IV	154
*1746-PS	Conference between German and Bulgarian Generals, 8 February 1941; speech by Hitler to German High Command on situation in Yugoslavia, 27 March 1941; plan for invasion of Yugoslavia, 28 March 1941. (GB 120).....	IV	272
*1775-PS	Propositions to Hitler by OKW, 14 February 1938. (USA 73).....	IV	357
*1780-PS	Excerpts from diary kept by General Jodl, January 1937 to August 1939. (USA 72).....	IV	360
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*1808-PS	Excerpt of speech by Jodl to Officers and officials of Armed Forces Operations Staff, 24 July 1944. (GB 493).....	IV	377
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*3707-PS	Affidavit of Colonel-General Franz Halder, 13 November 1945. (USA 533).....	VI	419
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*C-2	Examples of violations of International Law and proposed counter propaganda, issued by OKW, 1 October 1938. (USA 90).....	VI	799
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*C-102	Document signed by Hitler relating to operation "Otto", 11 March 1938. (USA 74).....	VI	911
*C-103	Directive signed by Jodl, 11 March 1938, on conduct towards Czech or Italian troops in Austria. (USA 75).....	VI	913

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*C-134	Letter from Jodl enclosing memorandum on conference between German and Italian Generals on 19 January and subsequent speech by Hitler, 20 January 1941. (GB 119).....	VI	939
*C-152	Extract from Naval War Staff files, 18 March 1941, concerning audience of C-in-C of Navy with Hitler on 18 March 1941. (GB 122).....	VI	966
*C-167	Report of meeting between Raeder and Hitler, 18 March 1941. (GB 122).....	VI	977
*C-182	Directive No. 2 from Supreme Commander Armed Forces, initialled Jodl, 11 March 1938. (USA 77).....	VI	1017
*D-777	Draft of directive, 15 June 1944, from OKW to Supreme Commander of "Luftwaffe" concerning treatment of Allied "Terrorist"-flyers. (GB 310).....	VII	234
*D-779	Letter from Reichsmarshal to Chief of OKW, 19 August 1944, regarding treatment of Allied "Terrorist"-flyers. (GB 312).....	VII	235
*EC-405	Minutes of Tenth Meeting of Working Committee of Reichs Defense Council, 26 June 1935. (GB 160).....	VII	450
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6. ERNST KALTENBRUNNER

A. KALTENBRUNNER ENTERED THE NATIONAL SOCIALIST MOVEMENT IN ITS EARLY STAGES, AND SUPPORTED IT, AND WAS A LEADER IN IT UNTIL THE END.

Ernst Kaltenbrunner was born on 4 October 1903 at Ried on Inn (near Braunau) Austria. He spent his youth in Hitler's native district. Later he moved to Linz, where he attended the State *Realgymnasium*. He studied law and obtained a law degree in 1926. He spent the first year as apprentice lawyer at Linzen-Danube and then worked as a lawyer-candidate, first at Salzburg and after 1928 at Linz (2938-PS).

Kaltenbrunner joined the Nazi Party and the SS in Austria in 1932. Prior to 1933 he was the District speaker (*Gauredner*) and legal counsellor (*Rechtsberater*) of the SS division (*Ab-schnitt*) VIII. After 1933 he was the fuehrer of regiment (*Standarte*) 37 and later of the SS division VIII (2892-PS).

In January 1934 Kaltenbrunner was jailed by the Dollfuss government on account of his Nazi views, and sent with other leading National Socialists into the concentration camp Kaiser-

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steinbruch. He is said to have started and led a hunger strike of the prisoners and thereby to have forced the government to dismiss 490 National Socialist prisoners. In the following year he was jailed again because of suspicion of High Treason and committed to the military court at Wels (Upper Danube). After an investigation of many months the accusation of High Treason was dropped, but he was condemned to six months' imprisonment for conspiracy. His right to practice law was suspended because of his Nazi activities (2938-PS).

After the Spring of 1935 Kaltenbrunner was the leader of the Austrian SS. In the magazine of the SIPO and SD, issue of 15 May 1943, it is stated:

"It redounds to his credit that in this important position he succeeded through energetic leadership in maintaining the unity of the Austrian SS, which he had built up, in spite of all persecution, and succeeded in committing it successfully at the right moment. After the annexation, in which the SS was a decisive factor, he was appointed State Secretary for Security Matters on 11 March 1938 in the new National-Socialist cabinet of Seyss-Inquart. A few hours later he was able to report to Reichsfuehrer SS Heinrich Himmler, who had landed at Aspern, the Vienna airport, on 12 March 1938, 3 a.m., as the first National Socialist leader, that the Movement had achieved a complete victory and that 'The SS is in formation and awaiting further orders.'" (2938-PS)

Hitler promoted Kaltenbrunner on the date of the Anschluss to the rank of SS Brigadefuehrer and leader of the SS *Oberabschnitt* Donau. On 11 September 1938 he was promoted to the rank of SS Gruppenfuehrer. During the liquidation of the Austrian national government and the reorganization of Austria into Alps and Danube Districts, he was appointed Higher SS and Police Leader to the governors of Vienna, Lower Danube, and Upper Danube, in Corps Area (*Wehrkreis*) XVII, and in April 1941 was promoted to Major General of the Police (2938-PS).

On 30 January 1943 Kaltenbrunner was appointed Chief of the Security Police and SD (RSHA), succeeding Heydrich, who had been assassinated in Prague in June 1942. Kaltenbrunner held this position until the end of the war (2644-PS).

On 4 October 1943 at Pozen, Poland, in a speech delivered to Gruppenfuehrers of the SS, Himmler made special reference to "our comrade Obergruppenfuehrer Kaltenbrunner, who has succeeded our fallen friend Heydrich" (1919-PS).

On 9 December 1944 the decoration known as the Knight's Cross of the War Merit, Cross with Swords, was given to SS

Obergruppenfuehrer and General of the Police Dr. Ernst Kaltenbrunner, Chief of the Security Police and the SD (2770-PS).

In addition he held the Golden insignia of Honor and the *Blutorden*. He was a member of the Reichstag after the 9th election period 1938 (2892-PS).

Toward the end of the war, Kaltenbrunner's power increased greatly, especially after the attack on Hitler of 20 July 1944. He gained direct access to Hitler. He was very friendly with Fegelein and his wife, who was the sister of Eva Braun. So powerful had Kaltenbrunner become toward the end that even Himmler feared him. On 13 April 1945 the chief of the German foreign intelligence service, Schellenberg, asked Himmler to receive the representative of the Jewish World Congress, Mr. Storsch, from Stockholm, and Himmler said,

"But how am I going to do that in regard to Kaltenbrunner? I shall then be completely at his mercy!" (2990-PS).

B. DURING KALTENBRUNNER'S TERM IN OFFICE AS CHIEF OF THE SECURITY POLICE AND SD, NUMEROUS AND VAST CRIMES WERE COMMITTED BY THE SIPO AND SD IN THE COURSE OF OFFICIAL DUTIES.

As Chief of the Security Police after 30 January 1943, Kaltenbrunner was the head of the RSHA and the regional offices of the Gestapo, SD, and Kripo. Directly under Kaltenbrunner were the Chiefs of the main offices of the RSHA, including Amt III (the SD), Amt IV (the Gestapo), Amt V (the Kripo), and Amt VI (the SD in foreign intelligence) (L-219).

Kaltenbrunner had direct responsibility over the offices of the RSHA. All important matters had to be referred to him or had to be handled under general or special authority granted by him to office chiefs.

"All decisions of principal character are signed by the Chief of the Security Police personally. An office chief has only the authority to sign 'acting for' and a chairman 'by order of' if the subjects treated in the respective decrees fit into the general laid-down principles according to the plan of distribution of authority. In case of doubt it was the duty to get the question cleared up by reporting it to the Chief of Security Police and SD." (L-34)

"To my knowledge no chief of office or any of the officials of the RSHA, authorized to sign, had the right to sign in any principal affairs of particular political significance without consent of the Chief of the Security Police—not even during

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his temporary absence. From my own experience I can furthermore declare that the chief of Amt IV, Mueller, particularly was very hesitant in signing documents concerning questions of general nature and in some cases of greater importance, and that he put aside events of such nature in most cases for the return of the Chief of the Security Police, whereby often much time was lost." (L-50).

Schellenberg, the Chief of Amt VI of the RSHA, has stated:

"I know of no limitation placed on Kaltenbrunner's authority as Chief of the Security Police and SD (RSHA). He promptly entered upon the duties of the office and assumed direct charge of the office and control over the Amts * * * He made it very clear in his official relations with all of us who were his *Amt* Chiefs that he was the head of the office exercising full executive powers and deciding all matters of policy. He permitted us to issue directives within the organization in our own names pursuant to fixed policies established by him, but all important matters had to be submitted to him whether he signed them or we signed them. He was constantly informed of all matters of importance which went on in the entire organization. (2939-PS)

During Kaltenbrunner's term in office as Chief of the Security Police and SD, the following crimes were committed by the SIPO and SD pursuant to policy established by the RSHA or orders issued out of the RSHA for all of which he was responsible by virtue of his office.

(1) *Mass murders of civilians of occupied countries by Einsatz Groups.* A general discussion of this and the following twelve crimes of the *Gestapo* and SD appears in Section 6 of Chapter XV. That this crime continued after January 1943 is shown by the following documents: 3012-PS; 2752-PS; 2890-PS.

(2) *Screening of prisoner of war camps and executing racial and political undesirables.* That this crime continued after January 1943 is shown by the following document: 2622-PS.

(3) *The taking of recaptured prisoners of war to concentration camps, where in some cases they were executed.* That this crime continued after January 1943 is shown by the following documents: 1650-PS; L-158; 1514-PS.

(4) *Establishing concentration camps and committing racial and political undesirables to concentration and annihilation camps for slave labor and mass murder.* That this crime continued after January of 1943 is shown by the following documents: D-50; D-46; L-41; 701-PS.

(5) *Deportation of citizens of occupied countries for forced labor and disciplining of forced labor.* That this crime continued after January 1943 is shown by the following documents: 3012-PS; 1063-B-PS.

(6) *The execution of captured commandos and paratroopers and protection of civilians who lynched Allied fliers.* That this crime continued after January 1943 is shown by the following documents: 1276-PS; 532-PS; 526-PS; R-110; 745-PS.

(7) *The taking of civilians of occupied countries to Germany for secret trial and punishment.* That this crime continued after January 1943 is shown by the following document: 835-PS.

(8) *Punishment of citizens of occupied territories under special criminal procedure and by summary methods.* That this crime continued after January 1943 is shown by the following document: L-5.

(9) *The execution and confinement of persons in concentration camps for crimes allegedly committed by their relatives.* That this crime continued after January 1943 is shown by the following document: L-37.

(10) *Seizure and spoliation of public and private property.* That this crime continued after January 1943 is shown by the following documents: 2620-PS; L-18.

(11) *Murder of prisoners in SIPO and SD prisons.* That this crime continued after January 1943 is shown by the following document: L-53.

(12) *Persecution of Jews.* That this crime continued after January 1943 is shown by the following documents: L-18; 1061-PS; 2375-PS; 2605-PS.

(13) *Persecution of the churches.* That this crime continued after January 1943 is shown by the following document: 1815-PS).

C. KALTENBRUNNER HAD DIRECT KNOWLEDGE OF AND RESPONSIBILITY FOR THE COMMISSION OF MANY SPECIFIC CRIMES.

(1) *Kaltenbrunner was fully cognizant of conditions in concentration camps and of the fact that concentration camps were used for slave labor and mass murder.* Mauthausen concentration camp was established in Austria while Kaltenbrunner was the Higher SS and Police Leader for Austria, and was frequently visited by Kaltenbrunner before he was appointed Chief of the Security Police and SD (L-51). On the occasion of one such visit

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in 1942, Kaltenbrunner personally observed the gas chamber in operation (2753-PS). After he became Chief of the Security Police and SD, Kaltenbrunner visited Mauthausen concentration camp but with less frequency (L-51). On one occasion he made an inspection of the camp grounds with Himmler and had his photograph taken during the course of the inspection (2641-PS). After a visit to Mauthausen in 1944 Kaltenbrunner reported to his *Amt* Chiefs with pride that he had helped to build up Mauthausen when he was Higher SS and Police Leader in Austria and that the camp was engaged in valuable armament work (2990-PS). Mauthausen concentration camp was classified by Heydrich in January 1941 in category III, a camp for the most heavily accused prisoners and for asocial prisoners who were considered incapable of being reformed (1063-A-PS).

There were frequent conferences between the RSHA and executives of the SS *Wirtschaft* and *Verwaltungshauptamt* who had charge of the internal administration of concentration camps. The affidavit of Rudolf Mildner states with respect to these conferences:

“SS Obergruppenfuehrer Dr. Kaltenbrunner attended personally conferences with SS Obergruppenfuehrer Pohl, Chief of the SS *Wirtschaft* and *Verwaltungshauptamt* and Chief of the concentration camps. Due to these conferences and through talks with the Chief of Office Gruppenfuehrer Mueller of *Amt* IV and Gruppenfuehrer Nebe of *Amt* V, the Chief of the Security Police and SD, SS Obergruppenfuehrer Dr. Kaltenbrunner, must have known the state of affairs in the concentration camps.” (L-35)

(2) *With full knowledge of conditions in and the purpose of concentration camps, Kaltenbrunner ordered or permitted to be ordered in his name the commitment of persons to concentration camps. All orders for protective custody other than short-term confinements were issued in the name of Kaltenbrunner as Chief of the Security Police and SD and bore the facsimile stamp of his signature (2477-PS).*

The commandant of Buchenwald concentration camp in his affidavit states:

“With the exception of the mass delivery of prisoners from the concentration camps of occupied territories, all prisoners were sent to the concentration camp Buchenwald on orders of the *Reichssicherheitshauptamt*, Berlin. These preventive arrest orders (red blanks) were in most cases signed with

the name Kaltenbrunner. The few other preventive arrest orders were signed with 'Foerster.'" (L-38)

On 7 July 1943 an order for protective custody was issued by the Gestapo (*Amt IV C 2*, RSHA) bearing the facsimile signature of Kaltenbrunner, to be sent in the form of a telegram to the Gestapo office in Koeslin in the case of a woman whose offense was stated to be failure to work, work sabotage, and asocial conduct. She was ordered to be confined in the concentration camp at Ravensbrueck (2745-PS).

On 19 January 1944 a warrant for protective custody was issued by the Gestapo (*Amt IV C 2* of the RSHA) certified as signed by Kaltenbrunner, to a British subject, C. S. James, on the grounds that he had been proven guilty of activities to the detriment of the German Reich, and that there was reason to expect that he would, if released, commit acts prejudicial to the Reich (1574-PS).

Other instances of commitments to various concentration camps on orders, signed by Kaltenbrunner, are contained in the dossiers of 25 Luxembourgers committed to concentration camps by the *Einsatzkommando* of the Sipo and SD in Luxembourg during the year 1944. The concentration camps to which the persons were committed included Dachau, Natzweiler, Sachsenhausen, and Buchenwald. Among the grounds were: "strongly suspected of working to the detriment of the Reich;" "spiteful statements inimical to Germany as well as aspersions and threats against persons active in the National Socialist movement;" "strongly suspected of aiding desertion;" "as relative of a deserter expected to take advantage of every occasion to harm the German Reich." (L-215).

Further orders for commitments to concentration camps are contained in file of 42 telegrams, all issued by the RSHA, *Amt IV A 6*, Prague, to the Gestapo Office at Darmstadt, and all signed by Kaltenbrunner, during the period from 20 September 1944 to 2 February 1945. The concentration camps to which people were sent included Sachsenhausen, Ravensbrueck, Buchenwald, Dachau, Bergen-Belsen, Flossenbourg, and Theresienstadt. Nationalities included Czech, German, French, Dutch, Italian, Corsican, Lithuanian, Greek, and Jew. Grounds included "refusal to work;" "religious propaganda;" "sex relations with PWs;" "communist statements;" "loafing on job;" "working against the Reich;" "spreading of rumors detrimental to morale;" "*Aktion Gitter*;" "breach of work contracts;" "statements

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against Germany;" "assault of foreman;" "defeatist statements;" "theft and escape from jail." (2239-PS).

(3) *Kaltenbrunner authorized executions in concentration camps.* Adolf Zutter, the adjutant of Mauthausen concentration camp, avers that, until the assassination of Heydrich, orders for executions at Mauthausen were signed by Heydrich or his substitute, and that after Kaltenbrunner became Chief of the Security Police and SD they were signed either by Kaltenbrunner or by his substitute, Mueller. Zutter mentions a specific instance in which Kaltenbrunner ordered the execution of a group of 12 to 15 uniformed members of an American military mission (L-51).

(4) *Kaltenbrunner had knowledge of the commitment of thousands of Warsaw Poles to concentration camps and refused to release them.* During the suppression of the Warsaw uprising of 1944, about 50,000 to 60,000 inhabitants of Warsaw were sent to concentration camps. As a result of entreaties by Hans Frank to Himmler the deportation was stopped. Frank and Buehler, his State Secretary, requested Kaltenbrunner to release the persons who had been committed. Kaltenbrunner refused to release them on the grounds they were employed in making secret weapons for the Reich and declared that the number transported into concentration camps in the Reich was small. Buehler verified the fact that the number of persons so placed in concentration camps for forced labor was 50,000 to 69,999 (2476-PS).

(5) *Kaltenbrunner controlled the deportation of Poles, Jews, and other non-Germans from Poland.* Otto Hofmann, former Chief of the SS Main Office for Race and Settlement Matters, stated:

"The execution of all so-called resettlement actions, that is, the sending away of Polish, Jewish, and people of non-German blood, inhabitants of a territory in Poland destined for Germanization was in the hands of the Chief of the RSHA, Heydrich, and, since the end of 1942, Kaltenbrunner." (L-49).

(6) *Kaltenbrunner ordered the deportation of Jews from Denmark.* In September 1943 Himmler ordered the Danish Jews arrested and shipped to Stettin and from there to Theresienstadt concentration camp. Mildner, the Chief of the Sipo and SD, telegraphed the RSHA to request that the Jewish persecutions be

stopped. In reply he received an order from Himmler through Kaltenbrunner to carry out the anti-Jewish action. Shortly thereafter Mildner flew to Berlin to speak to Kaltenbrunner personally about the matter. In Kaltenbrunner's absence he spoke to Mueller. After his return to Copenhagen, Mildner received a direct order from Himmler through Kaltenbrunner to carry out the anti-Jewish actions immediately (2375-PS).

(7) *Kaltenbrunner personally exercised punitive authority over foreign workers.* By order of Kaltenbrunner Labor Reformatory Camps were established under the exclusive jurisdiction of the Security Police (1063-B-PS).

In addition to sending workers to Labor Reformatory Camps, Kaltenbrunner, through orders for protective custody signed by him or by facsimile of his signature, committed workers to concentration camps. On 9 February 1945 a French citizen was sent to Buchenwald by order of Kaltenbrunner for shirking work and insubordinate behavior. On 18 June 1943 a Pole was sent to Natzweiler "to be used as a skilled worker" by order of Kaltenbrunner. On 2 December 1944 a citizen of the Netherlands was taken into protective custody "for work sabotage" by order of Kaltenbrunner. On 2 December 1944 a French citizen was taken into protective custody for "work sabotage and insubmissive" (2582-PS; 2580-PS).

(8) *Kaltenbrunner personally attended to matters against Jews and political and concentration camp internees in the Protectorate.* A memorandum found among Kaltenbrunner's personal effects states in part:

"Radio message to Gruppenfuehrer Fegelein Hq. of the Fuehrer through Sturmbannfuehrer Sansoni, Berlin.

"Please report to RF SS and to the Fuehrer that all arrangements against Jews, political and concentration camp internees in the Protectorate have been taken care of by me personally today" (2519-PS).

(9) *Kaltenbrunner personally ordered the Sipo and SD to encourage the populace to lynch American and English flyers.* In 1944 at a conference of Amt Chiefs Kaltenbrunner said:

"All offices of the SD and the security police are to be informed that pogroms of the populace against English and American terror-fliers were not to be interfered with; on the contrary, this hostile mood is to be fostered" (2990-PS).

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(10) *Kaltenbrunner personally worked out the form of justification to be submitted to cover up the execution of prisoners of war.* In connection with the shooting of some 50 recaptured prisoners of war who had escaped from a prisoner of war camp near Breslau, Kaltenbrunner worked out with Mueller and Nebe the false reasons which were to be given to the Red Cross, that is, that they had been killed by bomb attacks, or shot while escaping or resisting arrest (2990-PS).

D. CONCLUSION.

Kaltenbrunner was a life-long fanatical Nazi. He was the leader of the SS in Austria prior to the Anschluss and played a leading role in the betrayal of his native country to the Nazi conspirators. As Higher SS and Police Leader in Austria after the Anschluss he supervised and had knowledge of the activities of the Gestapo and the SD in Austria. He had much to do with developing Mauthausen concentration camp and visited it frequently. On at least one occasion he observed the gas chamber in action. With this knowledge and background he accepted in January 1943 appointment as chief of the very agencies which sent such victims to their deaths. He held that office to the end, rising to high prominence in the conspiracy, receiving honors from Hitler and gaining Hitler's personal confidence.

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*2580-PS	Protective custody decrees signed Kaltenbrunner. (USA 524).....	V	305
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7. ALFRED ROSENBERG

A. THE POLITICAL CAREER OF ROSENBERG.

The political career of Alfred Rosenberg embraced the entire history of National Socialism and permeated nearly every phase of the conspiracy. In order to obtain a full conception of his influence upon and participation in the conspiracy, it is necessary to review his political history and to consider each of his political activities in their relation to the thread of the conspiracy, which stretches from the inception of the party in 1919 to the defeat of Germany in 1945.

It is interesting to note that for Rosenberg the 30th of November 1918 marked the

"Beginning of political activities with a lecture about the 'Jewish Problem' ". (2886-PS)

An official German pamphlet entitled, "Dates in the History of the NSDAP", discloses that Rosenberg was a member of the German Labor Party (afterwards the National Socialist German Workers Party) in January 1919, and that Hitler joined forces with Rosenberg and his colleagues in October of the same year (3557-PS). Thus, Rosenberg was a member of the National Socialist movement even before Hitler himself.

An extract from "*Das Deutsch Fuehrer Lexikon*", 1934/35 (3530-PS) completes the biographical data on Rosenberg:

"From 1921 until the present, editor of the *Voelkische Beobachter*; editor of the 'N.S. Monatshefte'; 1930, Reichstag deputy and representative of the foreign policy of the movement; since April 1933, leader of the foreign political office of the NSDAP; then designated as Reichsleiter; January 1934, deputized by the Fuehrer for the spiritual and philosophical education of the NSDAP, the German labor front and all related organizations" (3530-PS).

In July 1941 Rosenberg was appointed Reichsminister for the Occupied Eastern Territories. (2886-PS)

B. ROSENBERG'S PART, AS OFFICIAL NAZI IDEOLOGIST, IN PREPARING FOR THE SEIZURE OF POWER AND THE LAUNCHING OF AGGRESSIVE WAR.

Rosenberg was the official National Socialist ideologist. Through the ideological tenets which he expounded he exerted an influence upon the unification of German thought, a unification which was an essential part of the conspirator's program for seizure of power and preparation for aggressive war.

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Rosenberg wrote extensively on, and actively participated in, virtually every aspect of the National Socialist program. His first publication was the "Nature, Basic Principles, and Aims of the NSDAP", which appeared in 1922. Rosenberg spoke of this book in the following terms:

"During this time (that is, during the early phase of the party) a short thesis was written, which nevertheless is significant in the history of the NSDAP. It was always being asked what points of program the NSDAP had and how they each were to be interpreted. Therefore, I wrote the principal program and aims of the NSDAP, and this writing made the first permanent connection between Munich and local organizations being organized and friends within the Reich." (3054-PS)

Thus, the original draftsman of and spokesman for the party program was Rosenberg.

Without attempting to survey the entire ideological program advanced by Rosenberg in his various writings and speeches, certain of his statements may be considered as indicating the nature and scope of the ideological program which he championed. There was not a single basic tenet of the Nazi philosophy which was not given authoritative expression by Rosenberg.

(1) *The theory of racism.* Rosenberg wrote the "Myth of the Twentieth Century", published in 1930. At page 479 of this work (3553-PS), Rosenberg expressed the following views on the race question:

"The essence of the contemporary world revolution lies in the awakening of the racial types, not in Europe alone but on the whole planet. This awakening is the organic counter movement against the last chaotic remnants of liberal economic imperialism, whose object of exploitation out of desperation has fallen into the snare of Bolshevik Marxism, in order to complete what democracy had begun, the extirpation of the racial and national consciousness." (3553-PS)

(2) "*Lebensraum*". Rosenberg expounded the "*Lebensraum*" idea, which was utilized as the dynamic impulse behind Germany's waging of aggressive war. In his journal, the "National Socialist *Monatshefte*" for May 1932, he wrote:

"The understanding that the German nation, if it is not to perish in the truest sense of the word, needs ground and soil for itself and its future generations, and the second sober perception that this soil can no more be conquered in Africa,

but in Europe and first of all in the East—these organically determine the German foreign policy for centuries.” (2777-PS)

(3) *Persecution of Christian Churches.* Rosenberg expressed his theory as to the place of religion in the National Socialist State in the “Myth of the Twentieth Century”, additional excerpts from which are cited in (2891-PS):

“We now realize that the central supreme values of the Roman and the Protestant Churches, being a negative Christianity, do not respond to our soul, that they hinder the organic powers of the peoples determined by their Nordic race, that they must give way to them, that they will have to be remodeled to conform to a Germanic Christendom. Therein lies the meaning of the present religious search.” (2891-PS)

In the place of traditional Christianity, Rosenberg sought to implant the neo-pagan myth of the blood. At page 114 in the “Myth of the Twentieth Century” (2891-PS) he stated:

“Today, a new faith is awakening—the Myth of the Blood, the belief that the divine being of mankind generally is to be defended with the blood. The faith embodied by the fullest realization, that the Nordic blood constitutes that mystery which has supplanted and overwhelmed the old sacraments.”

Rosenberg’s attitudes on religion were accepted as the only philosophy compatible with National Socialism. In 1940 Bormann, in writing to Rosenberg, made this statement:

“The churches cannot be conquered by a compromise between National Socialism and Christian teachings, but only through a new ideology whose coming you yourself have announced in your writings.” (098-PS)

Rosenberg actively participated in the program for elimination of church influence. Bormann frequently wrote Rosenberg in this regard, furnishing him information as to proposed action to be instituted against the churches and, where necessary, requesting that action be taken by Rosenberg’s department. See 070-PS dealing with the abolition of religious services in the schools; 072-PS dealing with the confiscation of religious property; 064-PS dealing with the inadequacy of anti-religious material circulated to the soldiers; 089-PS dealing with the curtailment of the publication of Protestant periodicals; and 122-PS dealing with the closing of theological faculties.

(4) *Persecution of the Jews.* Rosenberg was particularly zealous in his pursuit of the “Jewish Question”. On 28 March

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1941, on the occasion of the opening of the Institute for the Exploration of the Jewish Question, he set the keynote for its activities and indicated the direction which the exploration was to take. He spoke in part as follows:

"For Germany the Jewish Question is only then solved when the Last Jew has left the Greater German space.

"Since Germany with its blood and its nationalism has now broken for always this Jewish dictatorship for all Europe and has seen to it that Europe as a whole will become free from the Jewish parasitism once more, we may, I believe, also say for all Europeans: For Europe the Jewish question is only then solved when the last Jew has left the European continent." (2889-PS)

Rosenberg had called an Anti-Jewish Congress in June 1944, but the Congress was cancelled due to military events. (1752-PS)

Rosenberg did not overlook any opportunity to put these anti-Semitic beliefs into practice. He recommended for instance that instead of executing 100 Frenchmen as retaliation for attempts on lives of members of the *Wehrmacht*, there be executed 100 Jewish bankers, lawyers, etc. (001-PS). The recommendation was made with the avowed purpose of awakening the anti-Jewish sentiment.

(5) *Abolition of Versailles Treaty.* In the realm of foreign policy, in addition to demanding "*Lebensraum*," Rosenberg called for elimination of the Treaty of Versailles, and cast aside any thought of revision of that treaty. In his book, "Nature, Principles and Aims of the NSDAP", Rosenberg wrote:

"The National Socialists reject the popular phrase of the 'Revision of the Peace of Versailles' as such a revision might perhaps bring a few numerical reductions in the so-called 'obligations,' but the entire German people would still be, just as before, the slave of other nations."

* * * * *

"'We demand equality for the German people with other nations, the cancellation of the peace treaties of Versailles and St. Germain.' " (2433-PS)

(6) *Foreign Nazi Penetration.* Rosenberg conceived of the spread of National Socialism throughout the world and, as will be subsequently shown, took an active part in promoting the infection of other nations with his creed. In the "Nature, Principles and Aims of the NSDAP", he stated:

"But National Socialism still believes that its principles and

ideology though in individually different suitable ways of fight according to racial-national conditions—will be directives far beyond the borders of Germany for the inevitable fights for power in other countries of Europe and America. There too a decision of ideas must take place, and the racial-nationalistic fight against the ever similar loan-capitalistic and Marxist internationalism must be taken up. National Socialism believes that once the great world battle is concluded, after the defeat of the present epoch, there will be a time when the swastika will be woven into the different banners of the Germanic peoples as the Aryan symbol of rejuvenation.” (2433-PS)

Thus, Rosenberg gave authoritative expression to the basic tenets upon which National Socialism was founded, and through the exploitation of which the conspiracy was crystallized in action.

(7) *Ideological training and education.* Rosenberg's value to the conspiratorial program found official recognition in his appointment in 1934 as the Fuehrer's Delegate for the Entire Spiritual and Philosophical Education and Supervision of the NSDAP. His activities in this capacity were many and varied. The National Socialist Year Book for the year 1938, at page 180, describes as follows the functions of Rosenberg's office as the Fuehrer's delegate:

“The sphere of activity of the Fuehrer's Commissioner for all spiritual and ideological instruction and education of the movement, its organization, including the ‘Strength through Joy’, extends to the detailed execution of all the educational work of the Party and of the affiliated bodies. The office, set up by *Reichsleiter* Rosenberg, has the task of preparing the ideological educational material, of carrying out the teaching programme, and is responsible for the education of those teachers suited to this educational and instructional work.” (3531-PS)

As the Fuehrer's delegate, Rosenberg thus supervised all ideological education and training in the Party.

It was Rosenberg's belief that upon the performance of his new functions as ideological delegate depended the future of National Socialism. An excerpt from an article by Rosenberg appearing on page 9 of the March 1934 issue of “The Educational Letter” states:

“The focus of all our educational work from now on is the service for this ideology, and it depends on the result of

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these efforts, whether National Socialism will be buried with our fighting ancestors or whether, as we believe, it really represents the beginning of a new era." (3532-PS)

In his capacity as the Fuehrer's Delegate for Spiritual and Ideological Training, Rosenberg assisted in the preparation of the curriculum for the Adolf Hitler schools. These schools selected the most suitable candidates from the Hitler Jugend and trained them for leadership within the Party. They were the elite schools of National Socialism. An excerpt from "Documents of German Politics" reads as follows:

"*Voelkischer Beobachter*, 19 January 1937.—'As stated by Dr. Ley, *Reichsorganisationsleiter*, on 23 November 1937 at Ordensburg Sonthofen, these Adolf Hitler Schools, as the first step of the principle of selecting a special elite, form an important branch in the educational system of the National Socialist training of future leaders [*Fuehrernachwuchs*]' "*Voelkischer Beobachter* dated 24 November 1937.— * * * The curriculum has been laid down by *Reichsleiter* Rosenberg, together with the *Reichsorganisationsleiter* and the Reich Youth Leader." (3529-PS)

Rosenberg exercised further influence in the education of Party members through the establishment of community schools for all organizations of the Party. The following statement is taken from the 1934 edition of "*Das Dritte Reich*":

"We support the request of the Fuehrer's Commissioner for the supervision of the whole spiritual and ideological training and instruction of the NSDAP, Party member Alfred Rosenberg, to organize *community schools* of all organizations of the NSDAP twice a year, in order to show by this common effort the ideological and political unity of the NSDAP and the steadfastness of the National Socialist will." (3528-PS)

Rosenberg's program was endorsed by Schirach as well as by Himmler, Ley, and others.

Virtually every phase of National Socialist training came under Rosenberg's influence, and unified ideological concepts were inculcated in every echelon of the party due to his influence. The 1936 edition of "*Das Dritte Reich*", under the heading "Education in the Ordensburg" states:

"Those Party members, selected for training in leadership in accordance with such points of view (who must have completed their labor service and their military service satisfactorily) are to be taught in the Ordensburgen by the best teachers in history and science of race, philosophy and cul-

ture, economics and specialized training, etc. To determine the ideological direction of this education, to choose suitable teachers and to train them, is one of the tasks of the Senior School of the Party [*Hohe Schule der Partei*] which is to be established in the near future and will be placed under the direction of the Reich Leader Party member Alfred Rosenberg in his capacity as Delegate of the Fuehrer for the Supervision of the Entire Spiritual and Ideological Teaching and Education of the NSDAP." (3552-PS)

(8) *Plunder of art treasures.* In his capacity as the Fuehrer's delegate, Rosenberg established the Institute for the Exploration of the Jewish Question, in Frankfort on Main. (This institute, commonly known as the "*Hohe Schule*", has been referred to in the discussion of the Plunder of Art Treasures in Chapter XIV.) Into its library there flowed books, documents, and manuscripts which were looted from virtually every country of occupied Europe. As Ideological Delegate Rosenberg conducted the fabulous art looting activities of the *Einsatzstab Rosenberg*, activities which extended to France, Belgium, the Netherlands, Luxembourg, Norway, Denmark, the Occupied Eastern Territories, Hungary, and Greece. The extent of the plunder is indicated in document 1015-B-PS which contains a detailed account of the seizure of over 21,000 valuable objects of art, and in document L-188 in which the looting of the contents of over 71,000 Jewish homes is described.

The importance of Rosenberg's activities as official ideologist of the Nazi party was not overlooked. The Hart biography of Rosenberg, entitled, "The Man and His Work" (3559-PS), states that Rosenberg won the German National prize in 1937. The creation of this prize was the Nazis' petulant reply to the award of the Nobel prize to Carlin Assiatsky, an inmate of a German concentration camp. The citation which accompanied the award to Rosenberg read as follows:

"Alfred Rosenberg has helped with his publications to lay the scientific and intuitive foundation and to strengthen the philosophy of the National Socialist in the most excellent way. His indefatigable struggle to keep National Socialist philosophy clean was especially meritorious. Only future times will be able to fully estimate the depth of the influence of this man on the philosophical foundation of the National Socialist Reich. The National Socialist movement, and beyond that, the entire German people, will be deeply gratified that the Fuehrer has distinguished Alfred Rosen-

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berg as one of his oldest and most faithful fighting comrades by awarding him the German National Prize." (3559-PS)

The contribution which Rosenberg's book, "The Myth of the Twentieth Century," made to Nazi ideological propaganda was appraised in the November 1942 edition of the official National Socialist book review publication, "*Bucher Kunde*", as follows:

"Next to the Fuehrer's book it has contributed to a unique extent to the rise and the spiritual and physical development of this people. Twelve years after Alfred Rosenberg's 'Mythus' first appeared, a million copies of the book have been published and circulated."

* * * * *

"It must therefore be stated that the phrases coined by Alfred Rosenberg have passed into the consciousness of the whole people, and it is just today that they are proving pillars of an ideological building whose completion is the purpose of the fight being waged not least today." (3554-PS)

The significance of ideological training in promoting the aims of the conspiracy is emphasized in a brief statement which Hitler made to his supreme commanders on 23 November 1939. On that occasion, Hitler said:

"The building up of our armed forces was only possible in connection with the ideological education of the German people by the Party." (789-PS)

The contribution which Rosenberg made through formulation and dissemination of National Socialist ideology was fundamental to the conspiracy. As apostle of neo-paganism, exponent of the drive for "*Lebensraum*," glorifier of the myth of nordic superiority, and as one of the oldest and most energetic Nazi proponents of anti-Semitism, he contributed materially to unification of the German people behind the swastika. He provided the impetus and philosophy of National Socialism.

C. ROSENBERG'S ACTIVITIES ABROAD, THROUGH THE APA, IN PREPARATION FOR AGGRESSIVE WAR.

Rosenberg also actively contributed toward the preparation for aggressive war through the international activities of the APA (The Foreign Policy Office of the NSDAP). Rosenberg became a *Reichsleiter*, the highest level of rank in the Leadership Corps, and was made chief of the Foreign Political Office of the NSDAP in April 1933 (3530-PS). The Organizational Manual of the NSDAP (2319-PS) describes the functions of the APA as

including the influencing of public opinion abroad so as to convince foreign nations that Nazi Germany desires peace. The following excerpt indicates the far-flung activities of the APA:

"* * * II. 1. The APA is divided into three main offices:

"A. Office for Foreign Referats with the Main Offices

a. England and Far East

b. Near East

c. South East

d. North

e. Old Orient

f. Controls, personnel questions, etc.

"B. Office of the German Academic Exchange Service.

"C. Office of Foreign Commerce.

"2. Moreover, there is in the APA a main office for the press service and an educational office." (2319-PS)

The Press activities of the APA, designed to influence world opinion in such a manner as to conceal the conspirators' true purposes and thus facilitate the preparation for waging aggressive war, were conducted on an ambitious scale. "A Short Report on the Activities of the APA of the NSDAP" describes the press activities as follows:

"* * * *The Press:* The Press Division of the APA is comprised of persons who together master all the languages that are in use. Daily they examine approximately 300 newspapers and deliver to the Fuehrer, the deputy Fuehrer, and all other interested offices the condensations of the important trends of the entire world press. I know that these press reports are highly praised by all who constantly follow them. The Press Division furthermore conducts an exact archives on the attitudes of the most important papers of the world and an exact archives on the most important journalists of the world. Many embarrassments during conferences in Germany could have been avoided had one consulted these archives (case of Leumas, Nurnberg, 1934; case of Dorothy Thompson; and others). Further, the Press Division was able to arrange a host of interviews as well as conducting a great number of friendly foreign journalists to the various official representatives of Germany." (003-PS)

The nature and extent of the activities of the APA are amply disclosed in a "Report on the Activities of the Foreign Affairs Bureau of the Party from 1933 to 1943," signed by Rosenberg (007-PS). This report contains a recital of widespread activities in foreign countries. These activities range from the promotion

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of economic penetration, to fomentation of anti-Semitism; from cultural and political infiltration to the instigation of treason. Activities were carried on throughout the world and extended to such widely separated points as the Middle East and Brazil. (007-PS)

(1) *Activities in Hungary, Belgium, Holland, and Luxembourg.* Much of the APA's achievements were brought about through the subtle exploitation of personal relationship. Activities in Hungary proceeded as follows:

"* * * *The first foreign state visit after the seizure of power took place through the mediation of the Foreign Affairs Bureau. Julius Gombos, who in former years had himself pursued anti-Semitic and racial tendencies, had reached the Hungarian Premier's chair. The Bureau maintained a personal connection with him.*" (007-PS).

The APA endeavored to strengthen the War Economy by shifting the source of food imports to the Balkans:

"Motivated by reasons of War Economy, the Bureau advocated the transfer of raw material purchases from overseas to the areas accessible by overland traffic routes, i. e., primarily in the Balkans, naturally insofar as practicable. At first little heed was paid to the Bureau in these endeavors, but it later secured the active support especially of the Food Estate [*Naeurstand*]. Through its cooperation, e. g., on the subject of fruit and vegetable imports, a very substantial shift in the source of imports was attained, particularly through the currently initiated cooperation with Croatian and Hungarian cooperatives as well as with commercial associations all over the Balkans." (007-PS)

Activities in Belgium, Holland, and Luxembourg were confined to "observation of existing conditions" and "to the establishment of relations, especially of a commercial nature." (007-PS)

(2) *Activities in Iran, Afghanistan, and Iraq.* In Iran the APA achieved a high degree of economic penetration, in addition to promoting cultural relations:

"The Bureau's initiative in developing, with the help of commercial circles, entirely new methods for the economic penetration of Iran found expression, in an extraordinarily favorable way, in reciprocal trade relations.

"Naturally in Germany, too, this initiative at first encountered a completely negative attitude and resistance on

the part of the competent state authorities, an attitude that had first to be overcome.

"In the course of a few years the volume of trade with Iran was multiplied five-fold, and in 1939 Iran's trade turnover with Germany had attained first place. Even Soviet Russia, the competitor who had been biggest and most dreaded previously, had been eliminated from the running. Concurrently with activation of commercial relations, the Bureau had also intensified cultural relations and had, in conjunction with growing commercial influence and in closest collaboration with the Iranian Government, created a series of cultural institutions headed and directed by Germans." (007-PS)

Rosenberg further reports on APA activities in other parts of the world:

"Afghanistan's neutral position today is largely due to the Bureau's activity."

* * * * *

"The *Arab question*, too, became part of the work of the Bureau. In spite of England's tutelage of *Iraq* the Bureau established a series of connections to a number of leading personalities of the Arab world, smoothing the way for strong bonds to Germany. In this connection, the growing influence of the Reich in Iran and Afghanistan did not fail to have repercussions in Arabia." (007-PS)

In view of the numerous "personal connections" maintained by the Bureau in many different countries, it is not difficult to surmise what Rosenberg meant when he stated at the conclusion of his report:

"The Bureau has carried out the initiating of all politically feasible projects. With the outbreak of war it [the APA] was entitled to consider its task as terminated. The exploitation of the many *personal* connections in many lands can be resumed under a different guise.

"(Signed) Rosenberg" (007-PS)

(3) *Activities in Rumania*. Annex Two of the report deals with activities in Rumania. Here the APA's intrigue was more insidious, its interference in the internal affairs of a foreign nation more pronounced. After describing the failure of what Rosenberg terms a "basically sound anti-Semitic tendency", due to dynastic squabbles and party fights, Rosenberg describes the APA's influence in the unification of conflicting elements:

"What was lacking was the guiding leadership of a politi-

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cal personality. After manifold groping trials the Bureau believed to have found such a personality—the former Minister and poet, Octavian Goga. It was not difficult to convince this poet, pervaded by instinctive inspiration, that a Greater Romania, though it had to be created in opposition to Vienna, could be maintained only together with Berlin. Nor was it difficult to create in him the desire to link the fate of Rumania with the future of the National-Socialist German Reich in good time. By bringing continuing influence to bear, the Bureau succeeded in inducing Octavian Goga as well as Professor Cuza to amalgamate the parties under their leadership on an Anti-Semitic basis. Thus they could carry on with united strength the struggle for Rumania's renaissance internally, and her *Anschluss* with Germany externally. Through the Bureau's initiative both parties, which had heretofore been known by distinct names, were merged as the National-Christian Party, under Goga's leadership and with Cuza as Honorary President." (007-PS, *Annex II*)

Rosenberg's man, Goga, was supported by two "splinter parties" which had not joined the anti-Semitic trend of these two parties. Rosenberg has this to say:

"Through intermediaries, the Bureau maintained constant contact with both tendencies, just as it constantly consulted with Goga, through Staff Director [Stabsleiter] Schickendanz, about tactics to be followed." (007-PS, *Annex II*)

Goga was appointed Prime Minister by the King in December 1937. The influence of Rosenberg's ideology had achieved a major triumph, for he states:

"Thus a second government on racial and anti-Semitic foundations had appeared in Europe, in a country in which such an event had been considered completely impossible." (007-PS, *Annex II*)

Rosenberg's intrigues made a significant contribution to Nazi preparations for aggressive war, and the benefit to Germany's position in the Balkans was great. Rosenberg reports that upon Goga's resignation he left a personal heir in Marshal Antonescu, who was appointed by Goga as Minister of War against the wishes of the King. Of Antonescu Rosenberg says:

"After Goga's resignation, Antonescu still remained in the king's cabinet at Goga's wish. He also maintained continued relations with the Iron Guard. Thereby the possibility of eliminating the king was at hand—and was ex-

ploited. Antonescu today appears in practice as executor of the heritage bequested to him by Goga, who had led him from political insignificance into the political arena. Thereby a change to Germany's liking had become possible in Rumania.

"(Signed) Rosenberg." (007-PS)

It will be recalled that on 5 September 1940 Antonescu became President of the Rumanian Council of Ministers and immediately suspended the Rumanian constitution. King Carol abdicated on the following day, and Rumania existed as a German satellite throughout the war. Rosenberg's aims had been achieved.

The substantial contribution which Rosenberg had thus made to Germany's strategic plans for aggressive war is evident from a brief review of the military action which followed in the wake of his political maneuvers. Shortly after King Carol's abdication Antonescu "invited" German troops to "protect" the Rumanian oil fields. When Hungary subscribed to the Axis pact a few weeks later, Germany acquired a continuous land bridge to the Black Sea, through Austria, Hungary, and Rumania. When Bulgaria subscribed to the Pact in March 1941, a German thrust southward through Yugoslavia and Greece became feasible, for with Hungary, Rumania, and Bulgaria secure, the entire German eastern flank was safe from attack. A month later, Yugoslavia and Greece were invaded. Only when they were overcome was Germany free to attack the Soviet Union. Seven weeks after the fall of Crete, Germany launched her war on the U.S.S.R. Thus, Rosenberg's intrigue in Rumania provided a vital link in the chain of the German strategy of aggression.

(4) *Relations with Quisling in Norway.* Rosenberg also played a leading role in the development of fifth-column activities in Norway. He fostered the development of close relations between Germany and Quisling, procured financial backing for Quisling's activities, and brought him into contact with Raeder and Hitler. Rosenberg kept the Reich informed as to internal developments in Norway through his contacts with Hagelin, Quisling's deputy, and took an active part in the development of plans for a Quisling coup in Norway. The record is clear that Rosenberg provided the inspiration and the means for the betrayal of Norway by Quisling and Hagelin—treason for which the Norwegian Government has tried, condemned, and executed them. (007-PS; C-64; C-65; C-66; 004-PS; 957-PS)

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D. ROSENBERG'S PARTICIPATION IN THE CONSPIRACY TO COMMIT WAR CRIMES AND CRIMES AGAINST HUMANITY IN THE OCCUPIED EASTERN TERRITORIES.

Rosenberg participated in the conspiracy to commit war crimes and crimes against humanity in the areas of the Occupied East which he administered for over three years. This area included the Baltic States, White Ruthenia and the Ukraine, and the Eastern portion of Poland.

(The mass murder and mistreatment of the Eastern peoples, and the spoliation of their territories is discussed in Chapter X on Forced Labor, Chapter XIII on Germanization and Spoliation, Chapter XI on Concentration Camps, Chapter XII on Persecution of the Jews, Section 5 of Chapter XV on the SS, and Section 6 of Chapter XV on the Gestapo and SD.) Rosenberg bears personal responsibility for these crimes.

Rosenberg may contend that some of these crimes were committed against his wishes. There is, indeed, some evidence that he protested on occasion, not out of humanitarian reasons, but on the ground of political expediency. Rosenberg may also attempt to place the blame for these crimes on other agencies and other defendants. The documents prove, however, that he himself formulated the harsh policies in the execution of which the crimes were committed; that the crimes were committed for the most part by persons and agencies within his jurisdiction and control; that the other agencies which participated in the commission of these crimes were invited by him to cooperate in the administration of the East, although the brutal methods customarily employed by them were common knowledge; and that his Ministry lent full cooperation to their activities despite the criminal methods that were employed.

(1) *Activities as "Commissioner for the Central Control of Questions Connected with the East European Region."* Rosenberg was actively participating in the affairs of the East as early as 20 April 1941, two months prior to the German attack upon the Soviet Union. On that date he was designated by Hitler as "Commissioner for the Central Control of Questions connected with the East European Region" (865-PS). The initial preparations undertaken by Rosenberg for fulfillment of his new task indicate the extent to which he cooperated in promoting the military plans for aggression. They also show that he understood his task as requiring the assistance of a multitude of Reich agencies and that he invited their cooperation.

Shortly after his appointment by Hitler, Rosenberg conducted a series of conferences with representatives of various Reich agencies (1039-PS). Cooperation of the following agencies in the administration of the Eastern Territories was contemplated and solicited by Rosenberg:

OKW

OKH

OKM

Ministry of Economy

Commissioner for the Four Year Plan

Ministry of the Interior

Reich Youth Leadership

German Labor Front

Ministry of Labor

The SS

and the SA—(as well as several others). (1039-PS)

These arrangements, it should be noted, were made by Rosenberg in his capacity as Commissioner on Eastern Questions—before the attack on the Soviet Union, before Rosenberg was appointed Minister of the Occupied East, and before there was any Occupied Eastern Territory for Germany to administer.

(a) "*Solution*" of the Jewish Problem. Emphasis must be placed on Rosenberg's basic attitudes regarding his new task, and the directives he knew he would be expected to follow. On 29 April 1941 he stated:

"A general treatment is required for the Jewish problem for which a temporary solution will have to be determined (forced labor for the Jews, creation of Ghettos, etc.)" (1024-PS)

On 8 May 1941, instructions were prepared for all Reich Commissars in the Occupied Eastern Territories (1030-PS). The last paragraph of these instructions reads as follows:

"From the point of view of cultural policy, the German Reich is in a position to promote and direct national culture and science in many fields. It will be necessary that in some territories an uprooting and resettlement of various racial stocks [*Voelkerschaften*] will have to be effected." (1030-PS)

In his "Instructions for a Reich Commissar in the Baltic Countries and White Russia" (officially referred to together as the "Ostland"), Rosenberg directs that the Ostland be transformed into a part of the Greater German Reich by Germanizing racially possible elements, colonizing Germanic races, and banishing undesirable elements. (1029-PS)

In a speech delivered by Rosenberg on 20 June 1941 he stated

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that the job of feeding Germans was the top of Germany's claim on the East; that there was no obligation to feed also the Russian peoples; that this was a harsh necessity bare of any feeling; that a very extensive evacuation would be necessary; and that the future would hold many hard years in store for the Russians. (1058-PS).

On 22 June 1941 the German armies invaded the U.S.S.R.

(b) *Deportation of Prisoners of War for Labor in the Reich.*

On 4 July 1941 a representative of the Rosenberg Bureau attended a conference on the subject of mobilization of labor and utilization of Soviet prisoners of war. A memorandum of this conference (1199-PS) states that among the participants were representatives of the Commissioner for the Four-Year Plan, of the Reich Labor Ministry, of the Reich Food Ministry, and of the Rosenberg Bureau. The conference proceeded as follows:

"After an introduction by Lt. Col. Dr. Krull, Lt. Col. Breyer of the P.W. department explained that actually there was in effect a prohibition by the Fuehrer against bringing Russian P.W.'s into the Reich for mobilization of labor [*Arbeitseinsatz*]; but that one might count on this prohibition being relaxed a little."

* * * * *

"The chairman summarized the results of the discussion as indicating that all the interested bureaus unqualifiedly advocated and supported the demand for utilization of P.W.'s because of manpower needs [*Arbeitseinsatz*] in the Reich. The War Economy and Armament office will approach the Commissioner for the Four-Year Plan with a request for relaxation of the restrictive regulations and express to the Chief of Operational Staff of the Armed Forces its point of view, accordingly." (1199-PS)

(c) *Germanization.* On 16 July 1941, the day before Rosenberg's appointment as Minister of the Occupied East, he attended a conference at the Fuehrer's Headquarters. At that time Hitler stated that

"The Crimea has to be evacuated by all foreigners and to be settled by Germans alone." (L-221)

Hitler further stated that Germany's objectives in the East were three-fold, first, to dominate it; second, to administer it; third, to exploit it. (L-221)

Thus, the character of the administration contemplated for the Occupied East was well established before Rosenberg took office as Minister of the Occupied East. He knew of these plans and was in accord with them. Persecution of the Jews, forced labor

of prisoners of war, Germanization and exploitation were basic points of policy at the time he assumed office.

(2) *Activities as Minister for the Occupied Eastern Territories.* On 17 July 1941 Hitler appointed Rosenberg as Reich-minister for the Occupied Eastern Territories, territories which included nearly all the area seized by Germany from the U. S. S. R. (1997-PS)

(a) *Rosenberg's complete control over, knowledge of, and responsibility for all non-military German activities and policies in the occupied Eastern Territories.* The organizational structure and chain of responsibility within the Ministry for the Occupied East emphasizes Rosenberg's responsibility.

A treatise entitled "The Organization of the Administration of the Occupied Eastern Territories" (1056-PS) is undated and unsigned, but further information regarding it may be obtained by reference to document EC-347, Goering's "Green Folder." Part II, subsection of EC-347 is entitled,

"Excerpts from the Directives of the Reich Minister for the Occupied Eastern Territories for the Civilian Administration. (Brown Folder, Pt. I, pp. 25-30)." (EC-347)

The two paragraphs which follow are identical to two paragraphs found in document 1056-PS. Thus, 1056-PS is identified as being a reproduction of Part I of the Brown Folder which was mentioned in the "Green Folder," and was issued by the Reich Minister for the Occupied Eastern Territories.

The directives issued by the Rosenberg Ministry itself (1056-PS) prove the extent of Rosenberg's authority: he was the Supreme civilian authority in the Eastern Territories. There was a continuous chain of command from Rosenberg down to regional administrative officials, extending even to the local prison warden (1056-PS). The relationship which existed between the Rosenberg Ministry and other German agencies varied from full control by Rosenberg, to close cooperation with them made mandatory by his directives and by Hitler's orders. Finally, the various subdivisions of the Ministry were required to submit period-reports of the situation within their jurisdiction—so that the numerous reports of brutality which Rosenberg received were submitted to him pursuant to his orders. (1056-PS)

The treatise on the organization of Rosenberg's ministry states as follows:

"The newly occupied Eastern Territories are subordinated to the Reich Minister for the Occupied Eastern Territories. By

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directions of the Fuehrer he establishes a civil administration there upon withdrawal of the military administration. He heads and supervises the entire administration of this area and represents the sovereignty of the Reich in the occupied Eastern Territories."

* * * * *

"To the Reich Ministry is assigned a deputy of the Reich Leader SS and Chief of the German Police in the Reich Ministry of the Interior." (1056-PS)

The responsibility of the Reich Commissars is described as follows:

"In the Reich Commissariats, Reich Commissars are responsible for the entire civil administration under the supreme authority of the Reich Ministry for the Occupied Eastern Territories. According to the instructions of the Reich Minister for the Occupied Eastern Territories the Reich Commissar, as a functionary of the Reich, heads and supervises, within his precincts, the entire civil administration. Within the scope of these instructions he acts on his own responsibility.

"Subordinate offices of the Reich Commissar are:

"General Commissariats,

"Main Commissariats,

"District Commissariats." (1056-PS)

The SS was placed under Rosenberg's jurisdiction and control:

"The Higher SS- and Police Leader is directly subordinated to the Reich Commissar. However, the Chief of Staff has the general right to secure information from him also. His official title is:

"The Reich Commissar for the Eastern Territory

The Higher SS- and Police Leader.'

"Great stress is to be placed on close cooperation between him, the Chief of Staff, and the other Main Department Heads of the office of the Reich Commissar, particularly with the one for Policies." (1056-PS)

The scope of Rosenberg's control over the SS in the Occupied Eastern Territories is revealed in a decree signed by Rosenberg, dated 17 July 1941, and found in the *Verordnungsblatt* of the Reich Minister for the Occupied East, 1942 #2, pages 7 and 8. This decree provides for the creation of summary courts-martial to punish crimes committed by non-Germans in the East, as determined by the Reich Commissar. The courts are to be presided over by a police officer or an SS leader, who have authority to

order the death sentence and confiscation of property, and whose decisions are not subject to appeal. The General Commissar is given the right to reject a summary Courts' decision. Thus, the determination of the SS is subordinated to the authority of Rosenberg's Ministry.

The position of the General Commissar is defined as follows in the organizational treatise:

"The General Commissar forms the administrative office of intermediate appeal. Within his jurisdiction he heads the administration according to the general directives of the Reich Minister for the Occupied Eastern Territories and the prescriptions of the Reich Commissar."

* * * * *

"The SS- and *Police Leader* assigned to the General Commissar is directly subordinated to him; however, the Chief of Staff has the general right of requiring information from him." (1056-PS)

Regional Commissars are described as follows:

"The Regional Commissar heads the entire administration of the lower administrative office in the Circuit District [*Kreisgebiet*] in accordance with the instructions of the General Commissar and the superior offices * * * The leader of the police unit assigned to him is directly subordinated to him." (1056-PS)

Main Commissars are described in these terms:

"Upon recommendation by the Reich Commissar the Reich Minister for the Occupied Eastern Territories appoints Main Commissars for Main Districts formed by the consolidation of several Circuit Districts." (1056-PS)

The order of superiority in the service among these various officials is stated as follows:

"The Reich Minister for the Occupied Eastern Territories is the service superior of the Reich Commissar and the officials and the employees subordinate to them. The Reich Commissar is the superior of all officials and employees of his office and of the offices subordinate to him. The General Commissar is the superior of the officials and employees of his office and of the officials and employees of the offices of the Main and Regional Commissars. The Main Commissar and the Regional Commissar are the superior of the officials and employees of their offices." (1056-PS)

Thus, there is a continuous chain of command and of accountability from the Reich Minister, Rosenberg, down through each subdivision of the Ministry.

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Furthermore, Rosenberg had authority to legislate for the entire area, and the jurisdiction of his Ministry was exclusive, aside from that of the military. The organizational treatise states:

"The Reich Commissars, General Commissars, Main Commissars and Regional Commissars (City Commissars) are—aside from the military agencies—the only Reich authorities [*Reichsbehoerden*] in the Occupied Eastern Territories. Other Reich authorities may not be established alongside them. They handle all questions of administration of the area which is subordinate to their sovereignty and all affairs which concern the organization and activity of the administration including those of the Police in the supervision of the native [*landeseigenen*] agencies and organizations, and of the population.

"The Reich Minister governs the occupied Eastern Territories by order of the Fuehrer. He can make the law for all the territories." (1056-PS)

The following passage shows that the economic exploitation of the territory was undertaken in fullest cooperation with the Commissioner of the Four-Year Plan:

"The Fuehrer has entrusted Reich Marshal Hermann Goering, as Commissioner for the Four Year Plan, with the supervision of the tasks of the war economy in the Occupied Eastern Territories. The economic inspectorates and economic commands are active there as his representatives [*Organe*] [see Green Folio]. These economic inspectorates and economic commands will be substantially absorbed in the agencies of the civil administration after the establishment of the civil administration." (1056-PS)

Careful provision was made for channeling to Rosenberg complete and accurate information as to the situation throughout the territory governed by him:

"The Reich and General Commissars will determine the periods at which the subordinate agencies are to report regularly about the general situation without prejudice to the duty to provide individual reports and special delivery reports (at first, at short intervals which can be later lengthened). At first the Reich Commissars will give the Reich Minister for the Occupied Eastern Territories a comprehensive report on the situation in brief form twice a month, on the first and fifteenth of each month. The Reich Minister is to be given a report by the Reich Commissar immediately about incidents of an especially important nature. The General Commissars and Regional Commissars must report

directly to the Reich Minister for the Occupied Eastern Territories by the quickest means particularly important incidents, as, for example, widespread unrest, more important acts of sabotage and strikes, great natural catastrophes and the like, and at the same time report them to the next superior agency." (1056-PS)

The Second Section of this organizational treatise, entitled "Working directives for the Civil Administration," contains this statement:

"* * * the Hague Rules of Land Warfare which deal with the administration of a country occupied by a foreign armed power are not valid." (1056-PS; EC-347)

The document continues as follows:

"The handling of cases of sabotage is the concern of the Senior SS- and Police Leader, of the SS- and Police Leader and/or the police leaders of the lower echelon. Insofar, however, as collective measures against the population of a definite region appear appropriate, the decision about them rests with the competent Commissar on the proposal of the Police Leader. The calling of the population for the tasks of guarding can be ordered by the Regional Commissar.

"The assessment of fines of money or goods, as well as the ordering of the seizure of hostages and the shooting of inhabitants of the territory in which the acts of sabotage have taken place, can only be by the General Commissar, insofar as the Reich Commissar himself does not intervene."

* * * * *

"The District Commissar is responsible for the supervision of all prisons, insofar as the Reich Commissar does not decree otherwise." (1056-PS; EC-347)

(b) *Rosenberg's Use of His Authority and Power for Criminal Purposes.* The manner in which Rosenberg's authority and power were wielded is illustrated in other sections of this volume, which show that in the Eastern Territories millions of Jews were exterminated; that millions of slave laborers were pressed into service under indescribable conditions; that the populace was degraded, starved, beaten, and murdered; and that the country was stripped of its resources. However, in order to illustrate the manner in which Rosenberg participated in the criminal activities conducted within his jurisdiction, four examples may be mentioned.

1. *Seizure of Jewish Property.* The first illustration is contained in the decree signed by Lohse, Reichscommissar for the Ostland, which is published in the *Verordnungsblatt* of

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the Reichscommissar for the Ostland, 1942, No. 38, pages 158 and 159. This decree provides for the seizure of the entire property of the Jewish population in the Ostland, including the claims of Jews against third parties. The seizure was made retroactive to the day of the occupation of the territory by the German troops. This sweeping decree was issued and published by Rosenberg's immediate subordinate, and it must be assumed that Rosenberg knew of it and acquiesced in it. The power to enact such a decree, as previously outlined, arose by virtue of delegation of that power by Rosenberg to the Reichscommissar.

2. *Extermination of Jews.* The second illustration is the report of the prison warden of Minsk that 516 German and Russian Jews had been killed. The warden called attention to the fact that valuable gold had been lost due to the failure to knock out the tooth-fillings of the victims before they were done away with (R-135).

3. *Deportations for Forced Labor.* The third illustration is a letter which Rosenberg wrote to Sauckel on 21 December 1942 in the following terms:

"I thank you very much for your report on the execution of the great task given to you, and I am glad to hear that in carrying out your mission you have always found the necessary support, even on the part of the civilian authorities in the occupied Eastern territories. For myself and the officials under my command this collaboration was and is self-evident, especially since both you and I have, with regard to the solution of the labor problem in the East, represented the same view-points from the beginning." (018-PS)

As late as 11 July, 1944 the Rosenberg Ministry was actively concerned with the continuation of the forced labor program in spite of the retreat from the East. A letter from Alfred Meyer, Rosenberg's deputy, addressed to Sauckel, dated 11 July 1944 shows that this time it is Rosenberg's Ministry that is urging action:

"1. * * * The war employment command [*Kriegseinsatzkommando*] formerly stationed in Minsk must continue under all circumstances the calling in of your white Ruthenian and Russian manpower for military employment in the Reich. In addition, the command has the mission to bring young boys of 10-14 years of age to the Reich." (199-PS)

4. *Economic Exploitation.* The final illustration of Rosenberg's criminal responsibility is contained in a secret letter from Rosenberg to Bormann dated 17 October 1944 (327-PS). It furnishes a graphic account of Rosenberg's activities in the economic exploitation of the Occupied East. The first paragraph reads:

"In order not to delay the liquidation of companies under my supervision, I beg to point out that the companies concerned are not private firms but business enterprises of the Reich, so that also actions with regard to them, just as with regard to government offices, are reserved to the highest authorities of the Reich. I supervise the following companies * * *," (327-PS)

There follows a list of nine companies—a trading company, an agricultural development company, a supply company, a pharmaceutical company, and five banking concerns. The mission of the trading company is stated to be:

"Collection of all agricultural products as well as commercial marketing and transportation thereof. (Delivery to armed forces and the Reich.)" (327-PS)

The letter continues as follows:

"During this period, the Z.O. (Central Trading Corporation), together with its subsidiaries, has collected:

"Grain	9,200,000 tons
Meat and meat products	622,000 tons
Linseed	950,000 tons
Butter	208,000 tons
Sugar	400,000 tons
Fodder	2,500,000 tons
Potatoes	3,200,000 tons
Seeds	141,000 tons
Other agricultural products	1,200,000 tons
and	1,075,000,000 eggs

"The following was required for transportation:

"1,418,000 railroad box cars and 472,000 tons of boat shipping space." (327-PS)

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LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO ALFRED ROSENBERG

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6.....	I	5
	International Military Tribunal, Indictment Number 1, Section IV (H); Appendix A.....	I	29,59
	<p>—————</p> <p>Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.</p> <p>—————</p>		
*001-PS	Memorandum for the Fuehrer signed Rosenberg, 18 December 1941, concerning Jewish possessions in France. (USA 282).....	III	1
*003-PS	Report of activity of NSDAP Bureau for Foreign Affairs, October 1939. (USA 603).....	III	10
*004-PS	Report submitted by Rosenberg to Deputy of the Fuehrer, 15 June 1940, on the Political Preparation of the Norway Action. (GB 140)..	III	19
*007-PS	Report on activities of the Foreign		

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8. HANS FRANK

A. FRANK HELD A POSITION OF LEADERSHIP IN THE NATIONALSOZIALISTISCHE DEUTSCHE ARBEITERPARTEI (NSDAP) AND IN THE GERMAN GOVERNMENT.

Frank held the following positions in the NSDAP and the German Government:

- (1) Member of NSDAP, 1928-1945.
- (2) Member of the Reichstag, 1930-1945.
- (3) Reich Minister Without Portfolio, 1934-1945.
- (4) Reich Commissar for the Coordination of the State Administration of Justice and for Reformation of the Law (*Reichskommissar fuer die Gleichschaltung der Justiz in der Landern und fuer Erneuerung der Rechtsordnung*), April 1933-December 1934, in the Ministry of Justice.
- (5) President, International Chamber of Law, 1941-42.
- (6) President, Academy of German Law (*Praesident der Akademie fuer Deutsches Recht*), 1933-1942.
- (7) Governor-General of the Occupied Polish Territories (*General Gouverneur fuer die besetzten polnischen Gebiete*), October 1939-1945.
- (8) Bavarian State Minister of Justice, March 1933-December 1934.
- (9) Reichsleiter of NSDAP, 1933-1942.
- (10) Leader of the National Socialist Lawyers League (*Bund Nationalsozialistischer deutscher Juristen*), 1933-1942.

(11) Editor or author of the following between 1930 and 1942:

(a) "*Deutsches Recht*"

(Magazine of National Socialist Jurist League)

(b) Magazine of the Academy of German Law.

(c) National Socialist Handbook for Law and Legislation.

(2979-PS)

B. FRANK PROMOTED THE SEIZURE OF POWER BY THE NAZI CONSPIRATORS. AS THE LEADING NAZI JURIST, HE FURTHERED THE REALIZATION OF THE CONSPIRATORS' PROGRAM IN THE FIELD OF LAW.

Frank himself described his role in the Nazi struggle for power in the following words in August 1942:

"I have since 1920 continually dedicated my work to the NSDAP. * * * As National Socialist I was a participant in the events of November 1923, for which I received the *Blutorden*. After the resurrection of the movement in the year 1925, my real greater activity in the movement began, which made me, first gradually, later almost exclusively, the legal advisor of the Fuehrer and of the Reich leadership of the NSDAP. I thus was the representative of legal interests of the growing Third Reich in a legal ideological as well as practical legal way. * * * The culmination of this work I see in the big Leipzig Army Trial in which I succeeded in having the Fuehrer admitted to the famous oath of legality, a circumstance which gave the Movement the legal grounds to expand generously. The Fuehrer indeed recognized this achievement and in 1926 made me leader of the National Socialist Lawyers League; in 1929 Reich Leader of the Reich Legal Office of the NSDAP; in 1933 Bavarian Minister of Justice; in the same year Reich Commissioner of Justice; in 1934 President of the Academy of German Law founded by me; in December 1934 Reich Minister Without Portfolio; and in 1939 I was finally appointed to Governor General for the occupied Polish territories.

"So I was, am and will remain the representative jurist of the struggle period of National Socialism. * * *

"I profess myself now, and always, as a National Socialist and a faithful follower of the Fuehrer Adolf Hitler, whom I have now served since 1919." (2233-X-PS)

Frank's Diary, from which this quotation is taken, to which frequent reference is made in this section, is the official journal, kept at Frank's direction, of his administration in the General Govern-

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ment. It consists of 38 volumes in which are recorded the official texts of speeches, transcripts of conferences, minutes of cabinet sessions, etc. The volumes are divided into several concurrent series (*Tagebuch*, *Abteilungsleitersitzungen* etc.) which cover the several aspects of the official business of the administration.

As the "representative jurist of the struggle period of National Socialism" and in the various juridical capacities listed in the preceding section, Frank was between 1933 and 1939 the most prominent policy-maker in the field of German legal theory.

In 1934 Frank founded the Academy of German Law, of which he was president until 1942. The statute defining the functions of the Academy conferred on it wide power to coordinate juridical policies:

"It is the task of the Academy for German Law to further the rejuvenation of the Law in Germany. Closely connected with the agencies competent for legislation, it shall further the realization of the National Socialist Program in the realm of Law. This task shall be carried out through well-fixed scientific methods.

"The Academy's task shall cover primarily:

"1. The composition, the initiation, judging and preparing of drafts of law.

"2. The collaboration in rejuvenating and unifying the training in jurisprudence and political science.

"3. The editing and supporting of scientific publications.

"4. The financial assistance for research and work in specific fields of Law and Political Economy.

"5. The organization of scientific meetings and the organization of courses.

"6. The cultivation of connections to similar institutions in foreign countries". (1391-PS)

What Frank as policy-maker in the field of law conceived as his task he explained in a radio address on 20 March 1934:

"The first task was that of establishing a unified German State. It was an outstanding historical and juristic—political accomplishment on the part of our Fuehrer that he reached boldly into the development of history and thereby eliminated the sovereignty of the various German states. . . .

"The second fundamental law of the Hitler Reich is racial legislation. The National Socialists were the first ones in the entire history of human law to elevate the concept of race to the status of a legal term. The German nation, unified racially and nationally, will in the future be legally protected

against any further disintegration of the German race stock. . . .

"The sixth fundamental law was the legal elimination of those political organizations which within the state, during the period of the reconstruction of the people and the Reich, were once able to place their selfish aims ahead of the common good of the nation. This elimination has taken place entirely legally. It is not the coming to the fore of despotic tendencies but it was the necessary legal consequence of a clear political result, of the 14 years' struggle of the NSDAP. "In accordance with these unified legal aims in all spheres, particular efforts have for months now been made as regards the work of the great reform of the entire field of German law. * * *" (2536-PS)

Frank concluded his remarks by pointing out that the outward forms of legality could be preserved in building the Nazi state:

"As a leader of the German Jurists I am convinced that together with all strata of the German people, we shall be able to construct the legal state of Adolf Hitler in every respect and to such an extent that no one in the world will at any time be able to attack this legal state as regards its laws". (2536-PS)

In his speech at the Congress of the Reich Group of University Professors of the National Socialist Jurists' League on 3 October 1936, Frank explained the necessity for excluding Jews from the legal field:

"* * * this topic embraces all that which in our opinion will contribute to establishing National Socialism in the field of jurisprudence, thus eliminating any alien racial spirit therefrom. * * *

"We National Socialists have started with anti-Semitism in our fight to free the German people, to re-establish a German Reich and to build our entire German spiritual, cultural and social life on the indestructible foundation of our race. We started a gigantic battle in 1919 * * * It took all the self-confidence of German manhood to withstand and to triumph—in this fight to substitute the German spirit for Jewish corruption over the concerted attacks of powerful world groups of which Jewry is a representative.

"Particularly we National Socialist Jurists have a mission of our own to accomplish in this battle. We construct German law on the foundations of old and vital elements of the German people. * * *

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"It is so obvious that it hardly needs mentioning that any participation whatsoever of the Jew in German law—be it in a creative, interpretative, educational or critical capacity—is impossible. The elimination of the Jews from German jurisprudence is in no way due to hatred or envy but to the understanding that the influence of the Jew on German life is essentially a pernicious and harmful one and that in the interests of the German people and to protect its future an unequivocal boundary must be drawn between us and the Jews." (2536-PS)

As the leading Nazi jurist, Frank accepted and promoted the system of concentration camps and of arrest without warrant. In an article on "Legislation and Judiciary in the Third Reich" published in the Journal of the Academy of German Law in 1936, Frank explained:

"To the world we are blamed again and again because of the concentration camps. We are asked, 'Why do you arrest without a warrant of arrest?' I say, put yourselves into the position of our nation. Don't forget that the very great and still untouched world of Bolshevism cannot forget that we have made final victory for them impossible in Europe, right here on German soil." (2533-PS)

Just as the other conspirators mobilized the military, economic, and diplomatic resources of Germany for war, Frank, in the field of legal policy, geared the German juridical machine for a war of aggression, which, as he explained in 1942 to the NSDAP District *Standortsfuehrung* Galicia at a mass meeting in Lemberg, had for its purpose:

"* * * to expand the living space for our people in a natural manner". (2233-S-PS)

Frank was proud of this accomplishment. In a speech before the Academy of German Law in November 1939, he stated:

"Today we are proud to have formulated our legal principles from the very beginning in such a way that they need not be changed in the case of war. For the rule, that right is that which is useful to the nation, and wrong is that which harms it, which stood at the beginning of our legal work, and which established this collective term of nation as the only standard of value of the law—this rule dominates also the law of these times." (3445-PS)

C. THROUGH USE OF HIS OFFICE AS GOVERNOR GENERAL, FRANK PARTICIPATED IN THE CONSPIRACY TO COMMIT WAR CRIMES AND CRIMES AGAINST HUMANITY IN THE TERRITORY OF THE GENERAL GOVERNMENT OF POLAND.

Certain of the war crimes and crimes against humanity committed by the Nazi conspirators, and in particular by Frank in the General Government of Poland are discussed in Chapter X on the Slave Labor Program, Chapter XI on Concentration Camps, Chapter XII on Persecution of the Jews, and Chapter XIII on Germanization and Spoliation. This section will attempt to trace Frank's special responsibility, as Governor General, for the policies underlying the crimes committed in the General Government during the period of his administration.

Frank was appointed Governor General of the Occupied Polish Territories by a Hitler decree dated 12 October 1939. The scope of his executive power was defined as follows:

"Section 1. The territories occupied by German troops shall be subject to the authority of the Governor General of the occupied Polish territories, except insofar as they are incorporated within the German Reich.

"Section 2. (1) I appoint Reich Minister Dr. Frank as Governor General of the occupied Polish territories. (2) As Deputy Governor General I appoint Reich Minister Dr. Seyss-Inquart.

"Section 3. (1) The Governor General shall be directly responsible to me. (2) All branches of the administration shall be directed by the Governor General * * *." (2537-PS)

The jurisdiction and functions of Frank in the General Government are described by him in several passages of his diary. For example at a meeting of Department Heads of the General Government on 8 March 1940 in the *Bergakademie*, Frank clarified his status as follows:

"One thing is certain. The authority of General Government as the representative of the Fuehrer and the will of the Reich in this territory is certainly strong, and I have always emphasized that I would not tolerate the misuse of this authority. I have allowed this to be known anew at every office in Berlin, especially after Herr Field Marshall Goering on 12.2.1940 from Karin-hall had forbidden all Administrative Offices of the Reich, including the Police and even the *Wehrmacht*, to interfere in administrative matters of the General Government * * *

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"There is no authority here in the General Government which is higher as to rank, influence, and authority than that of the Governor General. Even the *Wehrmacht* has no governmental or official functions of any kind in this connection; it has only security functions and general military duties—it has no political power whatsoever. The same applies here to the Police and SS. There is here no state within a state but we are the representatives of the Fuehrer and of the Reich. In final conclusion, this applies also to the Party which has here no far-reaching influence except for the fact that very old members of the National Socialist Party and loyal veterans of the Fuehrer take care of general matters." (2233-M-PS)

At a conference of the District *Standartenfuehrer* of the NSDAP in Cracow on 18 March 1942, Frank explained the relationship between his administration and Himmler:

"As you know I am a fanatic as to unity in administration.
* * * It is therefore clear that the Higher SS and Police Officer is subordinated to me, that the Police is a component of the government, that the SS and Police Officer in the district is subordinated to the Governor, and that the *Kreis* [district] chief has the authority of command over the gendarmerie in his *Kreis* [district]. This the Reichsfuehrer SS has recognized; in the written agreement all these points are mentioned word for word and signed. It is also self-evident that we cannot set up a closed shop here which can be treated in the traditional manner of small states. It would, for instance, be ridiculous if we would build up here a security policy of our own against our Poles in the country, while knowing that the Polacks in West Prussia, in Posen, in Wartheland and in Silesia have one and the same movement of resistance. The Reichsfuehrer SS and Chief of the German Police thus must be able to carry out with the aid of his agencies his police measures concerning the interests of the Reich as a whole. This, however, will be done in such a way that the measures to be adopted will first be submitted to me and carried out only when I give my consent. In the General Government, the Police is the Armed Forces. As a result of this, the leader of the Police system will be called by me into the government of the General Government; he is subordinate to me, or to my deputy, as a State Secretary for the Security Systems." (2233-R-PS)

D. THE PROTOCOL UNDER WHICH THE PURPOSES OF FRANK'S ADMINISTRATION OF THE GENERAL GOVERNMENT WERE DEFINED CONSTITUTES IN ITSELF A CRIMINAL PLAN OR CONSPIRACY.

The protocol of the conversation between Keitel and Hitler, which was dated 20 October 1939 and initialed by General Warlimont, regarding "The Future Shape of Polish Relations with Germany" provided in part as follows:

"(1) The Armed Forces will welcome it if they can dispose of Administrative questions in Poland.

"On principle there cannot be two administrations."

* * * * *

"(3) It is not the task of the Administration to make Poland into a model province or a model state of the German order or to put her economically or financially on a sound basis.

"The Polish intelligentsia must be prevented from forming a ruling class. The standard of living in the country is to remain low; we only want to draw labor forces from there. Poles are also to be used for the administration of the country. However the forming of national political groups may not be allowed.

"(4) The administration has to work on its own responsibility and must not be dependent on Berlin. We don't want to do there what we do in the Reich. The responsibility does not rest with the Berlin Ministries since there is no German administrative unit concerned.

"The accomplishment of this task will involve a hard racial struggle [*Volkstumskampf*] which will not allow any legal restrictions. The methods will be incompatible with the principles otherwise adhered to by us.

"The Governor General is to give the Polish nation only bare living conditions and is to maintain the basis for military security."

* * * * *

"(6) * * * Any tendencies towards the consolidation of conditions in Poland are to be suppressed. The 'Polish muddle' [*polnische Wirtschaft*] must be allowed to develop. The government of the territory must make it possible for us to purify the *Reich territory* from Jews and Polacks, too. Collaboration with new Reich provinces (Posen and West Prussia) only for *resettlements* (Compare Mission Himmler).

"*Purpose*: Shrewdness and severity must be the maxims in

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this racial struggle in order to spare us from going to battle on account of this country again." (864-PS)

Frank's own statements regarding the purposes of his administration in Poland should be considered in connection with the foregoing document. The economic and political responsibilities which had been conferred on Frank by Hitler, and according to which he "*intended to administer Poland*", were explained by Frank as follows in an interview that took place on 3 October 1939:

"Poland can only be administered by utilizing the country through means of ruthless exploitation, deportation of all supplies, raw materials, machines, factory installations, etc., which are important for the German war economy, availability of all workers for work within Germany, reduction of the entire Polish economy to absolute minimum necessary for bare existence of the population, closing of all educational institutions, especially technical schools and colleges in order to prevent the growth of the new Polish intelligentsia. 'Poland shall be treated as a colony; the Poles shall be the slaves of the Greater German World Empire.'" (EC-344-16 & 17)

The Hitler-Keitel protocol should also be construed in the light of various passages in Frank's diary relating to German policy in Poland. Illegality had been made in effect a canon of administration by the protocol, which provided that Frank's task involved "a hard racial struggle which will not allow any legal restrictions." Frank emphasized this point to his Department Heads at a conference on 19 December 1940:

"* * * In this country the force of a determined leadership must rule. The Pole must feel here that we are not building him a legal state, but that for him there is only one duty, namely, to work and to behave himself. It is clear that this leads sometimes to difficulties, but you must, in your own interest, see that all measures are ruthlessly carried out in order to become master of the situation. You can rely on me absolutely in this." (2233-O-PS)

It was the German purpose from the beginning to administer the General Government as colonial territory in total disregard of the duties imposed by International Law on an occupying power, and Frank's administrative policies were shaped in accordance with this policy. At the first conference with Department Heads of the General Government on 2 December 1939, Frank stated:

"Decisive in the administrative activities of the General Gov-

ernment is the will of the Fuehrer that this area shall be the first colonial territory of the German nation." (2233-K-PS)

The "hard racial struggle" which Keitel and Hitler agreed could be solved only if attacked without "legal restrictions," developed into the struggle which had as its ultimate purpose the Germanization of the General Government.

Frank's adherence to the conspirators' Germanization policy was clearly expressed by him at an official meeting of political leaders of the NSDAP in Cracow on 5 August 1942. Frank explained on that occasion:

"The situation in regard to Poland is unique insofar as on the one hand—I speak quite openly—we must expand Germanism in such a manner that the area of the General Government becomes pure German colonized land at some decades to come; and, on the other hand under the present war conditions we have to allow foreign racial groups to perform here the work which must be carried out in the service of Greater Germany." (2233-V-PS)

Expediency, and expediency only, tempered Frank's treatment of the nonGerman population of the General Government in the "hard racial struggle" he was charged with administering. The General Government was destined to become "pure German colonized land", the valley of the Vistula to be as "German as the valley of the Rhine." (2233-H-PS)

As for the Poles and Ukrainians, Frank's attitude was clear. They were to be permitted to work for the German economy as long as the war emergency continued. Once the war was won, he told the District *Standortfuehrung* and Political Leaders at a conference at Cracow on 14 January 1944:

"* * * then, for all I care, mincemeat [*Hackfleisch*] can be made of the Poles and the Ukrainians and all the others who run around here—it does not matter what happens." (2233-BB-PS)

E. FRANK ADVOCATED AND ADMINISTERED A PROGRAM OF EXTERMINATING JEWS OF POLISH NATIONALITY WITHIN THE GENERAL GOVERNMENT.

Frank's diary makes it clear that the complete annihilation of Jews, in accordance with the racial program of the Nazi conspirators, was one of the objectives of his administration as Governor General. In the fall of 1940 Frank urged German soldiers to reassure their families in Germany with regard to the hardships of life in the General Government:

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"In all these weeks, they [i. e., your families] will be thinking of you, saying to themselves: My God, there he sits in Poland where there are so many lice and Jews, perhaps he is hungry and cold, perhaps he is afraid to write. * * * It would not be a bad idea then to send our dear ones back home a picture, and tell them: well now, there are not so many lice and Jews any more, and conditions here in the Government General have changed and improved somewhat already. Of course, I could not eliminate all lice and Jews in only one year's time (public amused). But in the course of time, and above all, if you help me, this end will be attained. After all, it is not necessary for us to accomplish everything within a year and right away, for what would otherwise be left for those who follow us to do?" (2233-C-PS).

A year later at a Cabinet Session of 16 December 1941 Frank restated the official policy of his administration with respect to Jews:

"As far as the Jews are concerned, I want to tell you quite frankly, that they must be done away with in one way or another. The Fuehrer said once: should united Jewry again succeed in provoking a world war, the blood of not only the nations which have been forced into the war by them, will be shed, but the Jew will have found his end in Europe
* * *

"Gentlemen, I must ask you to rid yourselves of all feeling of pity. We must annihilate the Jews, wherever we find them and wherever it is possible, in order to maintain here the structure of the Reich as a whole. This will, naturally, be achieved by other methods than those pointed out by Bureau Chief Dr. Hummel. Nor can the judges of the Special Courts be made responsible for it, because of the limitations of the framework of the legal procedure. Such outdated views cannot be applied to such gigantic and unique events. We must find at any rate, a way which leads to the goal, and my thoughts are working in that direction.

"The Jews represent for us also extraordinarily malignant gluttons. We have now approximately 2,500,000 of them in the General Government, perhaps with the Jewish mixtures and everything that goes with it, 3,500,000 Jews. We cannot shoot or poison those 3,500,000 Jews, but we shall nevertheless be able to take measures, which will lead, somehow, to their annihilation, and this in connection with the gigantic measures to be determined in discussions from the Reich.

The General Government must become free of Jews, the same as the Reich. Where and how this is to be achieved is a matter for the offices which we must appoint and create here. Their activities will be brought to your attention in due course." (2233-D-PS)

An earlier passage in the report of this session of the Cabinet explains the references to Dr. Hummel. Hummel had complained that legal formalities were obstructing the process of liquidation:

"In Warsaw, in spite of the setting up of a third court chamber, we have been able to decree only 45 death sentences, only 8 of which have been carried out, since in each individual case, the Pardon Commission [*Gnadenkommission*] in Cracow has to make the final decision. A further 600 sentences were demanded and are under consideration. An effective isolation of the ghetto is not possible by way of the Special Court Procedure. The procedure to be followed up to the liquidation takes too much time; it is burdened with too many formalities and must be simplified." (2233-Q-PS)

Frank himself ordered that every Jew seen outside the Ghetto should be executed:

"Severe measures must and will be adopted against Jews leaving the Ghettos. Death sentences pending against Jews for this reason must be carried out as quickly as possible. This order according to which every Jew found outside the Ghetto is to be executed, must be carried out without fail." (2233-Q-PS)

When ways and means of meeting the food deficit in the General Government created by the increase in quotas to be requisitioned for export to Germany were discussed in August 1942, Frank approved a program which provided in part as follows:

"The feeding of a Jewish population, estimated heretofore at 1.5 million, drops off to an estimated total of 300,000 Jews, who still work for German interests as craftsmen or otherwise. For these the Jewish rations, including certain special allotments which have proved necessary for the maintenance of working capacity, will be retained. The other Jews, a total of 1.2 million, will no longer be provided with foodstuffs." (2233-E-PS)

Frank's concurrence was expressed in the following terms:

"That we sentence 1.2 million Jews to die of hunger should be noted only marginally. It is a matter of course that should the Jews not starve it would, we hope, result in speeding up anti-Jewish measures." (2233-E-PS)

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At an official meeting of the political leaders of the NSDAP on 5 August 1942, Frank made the following progress report:

"What a dirty people made up of Jews swaggered around here before 1939! And where are the Jews today? You scarcely see them. If you see them they are working."
(2233-V-PS)

In December 1941, Frank had pointed out that his administration could not shoot or poison all the three and a half million Jews in the General Government. He had promised, however, that he would be able to devise measures which would lead to their annihilation. Two years later, at a special press conference in January 1944, he was able to report that his mission was almost accomplished.

"At the present time we have still in the General Government perhaps 100,000 Jews." (2233-F-PS)

F. FRANK IMPOSED UPON THE POPULATION OF THE GENERAL GOVERNMENT A REIGN OF TERROR, OPPRESSION, IMPOVERISHMENT, AND STARVATION.

What had happened in the General Government in the first three and a half years of Frank's administration was summarized by Frank in a report to Hitler on the situation in Poland, dated 19 June 1943:

"In the course of time, a series of measures or of consequences of the German rule have led to a substantial *deterioration of the attitude* of the entire Polish people in the German Government. These measures have affected either individual professions or the entire population and frequently also—often with crushing severity—the fate of individuals. "Among these are in particular:

"1—The entirely insufficient nourishment of the population, mainly of the working classes in the cities, whose majority is working for German interests.

"Until the war of 1939, its food supplies, though not varied, were sufficient and generally secure, due to the agrarian surplus of the former Polish state and in spite of the negligence on the part of their former political leadership.

"2—The confiscation of a great part of the Polish estates and the expropriation without compensation and resettlement of Polish peasants from manoeuvre areas and from German settlements.

"3—Encroachments and confiscations in the industries, in commerce and trade and in the field of private property.

"4—Mass arrests and mass shootings by the German police who applied the system of collective responsibility.

"5—The rigorous methods of recruiting workers.

"6—The extensive paralyzation of cultural life.

"7—The closing of high schools, junior colleges, and universities.

"8—The limitation, indeed the complete elimination of Polish influence from all spheres of State administration.

"9—Curtailement of the influence of the Catholic Church, limiting its extensive influence—an undoubtedly necessary move—and, in addition, until quite recently, the closing and confiscation of monasteries, schools and charitable institutions." (437-PS)

In order to illustrate how completely Frank as Governor General is identified with the criminal policies whose execution is reported in the foregoing document, and the extent to which they were the official policies of his administration, it is proposed to annotate several of the items with passages from Frank's own diary.

(1) *Undernourishment of Polish population.* The extent of the undernourishment of the Polish population was reported to Frank in September 1941 by *Obermedizinalrat* Dr. Walbaum:

"*Obermedizinalrat* Dr. Walbaum expresses his opinion of the *health condition* of the Polish population. Investigations which were carried out by his department proved that the majority of Poles eat only about 600 calories, whereas the normal requirement for a human being is 2,200 calories. The Polish population was enfeebled to such an extent that it would fall an easy prey to *spotted fever*. The number of diseased Poles amounted today already to 40%. During the last week alone 1000 new spotted fever cases have been officially recorded. * * * If the food rations were to be diminished again, an enormous increase of the number of illnesses could be predicted." (2233-P-PS)

It was clear from this report that starvation was prevalent in the General Government. Nevertheless, in August 1942, Frank approved a new plan which called for much larger contributions of foodstuffs to Germany at the expense of the nonGerman population of the General Government. Methods of meeting the new quotas out of the already grossly inadequate rations of the General Government, and the impact of the new quotas on the economy of the country were discussed at a Cabinet meeting of the General Government on 18 August 1942 in terms which leave no

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doubt that not only was the proposed requisition far beyond the resources of the country, but its impact was to be distributed on a discriminatory basis.

Frank's opening remarks at this meeting defined the scope of the problem and its solution:

"Before the German people are to experience starvation, the occupied territories and their people shall be exposed to starvation. In this moment therefore we here in the General Government must also have the iron determination to help the Great German people, our Fatherland. . . . The General Government therefore must do the following: The General Government has taken on the obligation to send 500,000 tons bread grains to the Fatherland in addition to the foodstuffs already being delivered for the relief of Germany or consumed here by troops of the armed forces, Police or SS. If you compare this with our contributions of last year you can see that this means a six fold increase over that of last year's contribution of the General Government. The new demand will be fulfilled exclusively at *the expense of the foreign population*. It must be done cold-bloodedly and without pity; * * * " (2233-E-PS).

President of the Main Department for Food and Agriculture Naumann (apparently an official of the General Government) then described how the reduced quantity of food available for feeding the population of the General Government should be distributed:

"The feeding of a *Jewish population*, estimated heretofore at 1.5 million, drops off to an estimated total of 300,000 Jews, who still work for German interests as craftsmen or otherwise. For these the Jewish rations, including certain special allotments which have proved necessary for the maintenance of working capacity, will be retained. The other Jews, a total of 1.2 million, will no longer be provided with foodstuffs.

"*Non-German normal consumers* will receive, from 1 January 1943 to 1 March 1943, instead of 4.2 kg. bread per month, 2.8 kg; from 1 March 1943 to 30 July 1943 the total bread ration for these non-German normal consumers will be cancelled.

"*Those entitled to be supplied [Versorgungsberechtigten]* are composed as follows. We estimate that 3 million persons come into consideration as war workers, the A- and B-card holders and their kin, and that somewhat more than 3 mil-

lion persons are non-German normal consumers, who do not work directly or indirectly in the interests of Germany. The war workers, A- and B-card holders and their families, about 3 million persons, will however continue to be supplied, up to the harvest of 1943, at the prevailing rates." (2233-E-PS)

Naumann goes on to discuss the difficulties that may be encountered in the process of requisition:

"*The securing of all depots and food processing plants, as well as their transport facilities must be assured, as otherwise irreplaceable losses result which mean a further burdening of the food budget. I have had maps made of all districts [Kreise] on which the depots have all been drawn in. I request that the necessary measures be taken on the part of the police and these depots, which are in the eye of the hungry masses, above all at times when the restrictions are carried out, should be strictly guarded, so that the meager supplies which we have until the new harvest should not be destroyed by sabotage or arson. . . . Finally it must be determined at the beginning of November whether the martial law for the harvest period, which has been proclaimed up to 30 November, must be extended to 30 December. Martial law for the harvest period has been extended to all products which are to be seized. The planned quota increase and reduction of ration quantities must be kept secret under all circumstances and may be published only at that time which the Main Department for Food and Agriculture considers proper. Should the reduction of ration quantities and the increase of quotas become known earlier, extremely noticeable disturbances in the seizure would take place. The mass of the Polish population would then go to the land and would become a supplementary competitor of our requisitioning agencies.*" (2233-E-PS)

Frank's concluding remarks summarized the position as follows:

"I must point out that some sectors of the administration will feel this very keenly. In the first place the *police* will feel this, for it will have to deal, if I may say so, with an increased activity of the black market and a neglect of food customs. I will gladly give the police extraordinary powers so that they can overcome these difficulties.

"The economy will feel it. The decrease of work rendered will become felt in all sectors, branches and regions. I also assume that our *transport system* will feel it too. In view of the worsening living conditions an extraordinary hardship

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will set in for railroad workers and other categories; as the previous quantities of food were already not enough. The monopolies will feel it through a decrease of their incomes, as the amounts of potatoes available for the production of vodka will be less.

"The *Germans* in this area shall not feel it. We wish in spite of this new plan to see to it that the supplies for Germans will be maintained. Also the *Wehrmacht* and other encamped units in this area shall not feel it. We hope that it will be possible for us to keep up the whole quotas here.

"To help in this necessity there is a corresponding measure, namely that the supervision of persons traveling from the General Government to the Reich, above all of military personnel, in order to see whether they are *taking food out* of the General Government, should be suspended. This means that in addition to all that which we must now extract from the land economically, there must take place a complete removal of control over that which is dragged out of the land by thousands upon thousands—doubtless illegally and against our government measures." (2233-E-PS)

The extent of the General Government's food contribution to the Reich, and its significance in terms of rations within Germany were described by Frank at a meeting of political leaders of the NSDAP in December 1942 at Cracow:

"I will endeavor to get out of the reservoir of this territory everything that is yet to be got out of it. When you consider that it was possible for me to deliver to the Reich 600,000 tons of bread grain, and in addition 180,000 tons to the Armed Forces stationed here; further an abundance amounting to many thousands of tons of other commodities such as seed, fats, vegetables, besides the delivery to the Reich of 300 million eggs, etc.—you can estimate the significance of the consignment from the General Government of 600,000 tons of bread grain; you are referred to the fact that the General Government by this achievement alone covers the raising of the bread ration in the Greater German Reich by two-thirds during the present rationing period. This enormous achievement can rightfully be claimed by us." (2233-Z-PS)

(2) *Resettlement projects.* Although Himmler was given general authority in connection with the conspirators' program to resettle various districts in the conquered Eastern territories with racial Germans, projects relating to resettling districts in the

General Government were submitted to and approved by Frank. On 4 August 1942, for example, the plan to resettle Zamosc and Lublin was reported to him by State Secretary Krueger:

"State Secretary Krueger then continues, saying that the Reichsfuehrer's next immediate plan until the end of the following year would be to settle the following German racial groups in the two districts (Zamosc and Lublin): 1000 peasant settlements (1 settlement per family of about 6) for Bosnian Germans; 1200 other kinds of settlements; 1000 settlements for Bessarabian Germans; 200 for Serbian Germans; 2000 for Leningrad Germans; 4000 for Baltic Germans; 500 for Wolhynia Germans; and 200 settlements for Flemish, Danish and Dutch Germans: in all 10,000 settlements for 50,000 persons" (2233-T-PS). Frank directed that:

"* * * the resettlement plan is to be discussed cooperatively by the competent authorities and declared his willingness to approve the final plan by the end of September after satisfactory arrangements had been made concerning all the questions appertaining thereto (in particular the guaranteeing of peace and order) so that by the middle of November, as the most favorable time, the resettlement can begin." (2233-T-PS)

The way in which the resettlement at Zamosc was carried out was described to Frank at a meeting at Warsaw on 25 January 1943 by State Secretary Krueger:

"When we settled about the first 4000 in Kreis Zamosc shortly before Christmas I had an opportunity to speak to these people. * * * It is understandable that in resettling this area . . . we did not make friends of the Poles. * * * In colonizing this territory with racial Germans, we are forced to chase out the Poles. * * * We are removing those who constitute a burden in this new colonization territory. Actually, they are the asocial and inferior elements. They are being deported, first brought to a concentration camp, and then sent as labor to the Reich. From a Polish propaganda standpoint this entire first action has had an unfavorable effect. For the Poles say: After the Jews have been destroyed then they will employ the same methods to get the Poles out of this territory and liquidate them just like the Jews." (2233-AA-PS)

Although the illegality of this dispossession of Poles to make room for German settlers was clear, and although the fact that the Poles were not only being dispossessed but taken off to con-

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centration camps was drawn to Frank's attention at this time, he merely directed that individual cases of resettlement should in future be discussed in the same manner as in the case of Zamosc. (2233-AA-PS)

(3) *Encroachments and confiscations in the industries and in the field of private property.*

Frank explained his policy in respect to Polish property to his Department Heads in the following terms in December 1939:

"Principally it can be said regarding the administration of the General Government: This territory in its entirety is booty of the German Reich, and it thus cannot be permitted that this territory shall be exploited in its individual parts but that the territory in its entirety shall be economically used and its entire economic worth redound to the benefit of the German people." (2233-K-PS)

Whatever encroachments there were on private property rights in the General Government fell squarely within the policy which Frank in an interview on 3 October 1939 stated he intended to administer as General Governor:

"Poland can only be administered by utilizing the country through means of ruthless exploitation, deportation of all supplies, raw materials, machines, factory installations etc. which are important for the German war economy. * * * [It was Frank's opinion] that the war would be a short one and that it was most important now to make available as soon as possible raw materials, machines and workers to the German industry, which was short in all of these. Most important, however, in Frank's opinion, was the fact that by destroying Polish industry, its subsequent reconstruction after the war would become more difficult, if not impossible, so that Poland would be reduced to its proper position as an agrarian country which would have to depend upon Germany for importation of industrial products." (EC-344-16 & 17)

The basic decree under which property in the General Government was sequestered was promulgated by Frank on 24 January 1940. This decree authorized sequestration in connection with the "performance of tasks serving the public interest," the seizure of "abandoned property," and the liquidation of "anti-social or financially unremunerative property." It permitted the Higher S.S. and Police Chief to order sequestrations "with the object of increasing the striking power of the units of the uniformed police and armed S.S." No legal recourse was granted

for losses arising from the enforcement of the decree, compensation being solely in the discretion of an official of the General Government. It is clear that the undefined criteria of this decree empowered Nazi officials in the General Government to engage in wholesale seizure of property. (2540-PS)

(4) *Principle of collective responsibility.* It was no part of Frank's policy in administering the General Government that reprisals should be commensurate with the gravity of the offense. Frank was, on the contrary, an advocate of drastic measures in dealing with the Polish people. At a conference of Department Heads of the General Government on 19 January 1940, he explained:

"My relationship with the Poles is like the relationship between ant and plant louse. When I treat the Poles in a helpful way, so to speak tickle them in a friendly manner, then I do it in the expectation that their work performance redounds to my benefit. This is not a political but a purely tactical-technical problem. * * * In cases where in spite of all these measures the performance does not increase, or where the slightest act gives me occasion to step in, I would not even hesitate to take the most draconic action." (2233-L-PS)

At a subsequent meeting of Department Heads on 8 March 1940 Frank became even more explicit:

"Whenever there is the least attempt by the Poles to start anything, an enormous campaign of destruction will follow. Then I would not mind starting a regime of terror, or fear its consequences." (2233-M-PS)

At a conference of District Standartenfuhrer at Cracow on 18 March 1942 Frank reiterated his policy:

"Incidentally, the struggle for the achievement of our aims will be pursued cold bloodedly. You see how the state agencies work. You see that we do not hesitate before anything, and stand whole dozens of people up against the wall. This is necessary because here simple consideration says that it cannot be our task at this period when the best German blood is being sacrificed, to show regard for the blood of another race. For out of this one of the greatest dangers may arise. One already hears today in Germany that prisoners-of-war, for instance with us in Bavaria or in Thuringia, are administering large estates entirely independently, while all the men in a village fit for service are at the front. If this state of affairs continues then a gradual

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retrogression of Germanism will show itself. One should not underestimate this danger. Therefore, everything revealing itself as a Polish power of leadership must be destroyed again and again with ruthless energy. This does not have to be shouted abroad, it will happen silently." (2233-R-PS)

And on 15 January 1944 Frank assured the political leaders of the NSDAP at Cracow:

"I have not been hesitant in declaring that when a German is shot, up to 100 Poles shall be shot too." (2233-BB-PS)

(5) *Rigorous methods of recruiting workers.* Force, violence, and economic duress were all advocated by Frank as means for recruiting laborers for deportation to slave labor in Germany. Deportation of Polish laborers to Germany was an integral part of the program announced by Frank for his administration of the General Government (See EC-344-16 & 17), and as Governor General he authorized whatever degree of force was required for the execution of his program.

Voluntary methods of recruitment soon proved inadequate. In the spring of 1940 the question of utilizing force came up, and the following discussion took place in the presence of Seyss-Inquart:

"The Governor-General stated that the fact that all means in form of proclamations etc. did not bring success, leads to the conclusion that the Poles out of malevolence, and guided by the intention of harming Germany by not putting themselves at its disposal, refuse to enlist for working duty. Therefore, he asks Dr. Frauendorfer, if there are any other measures, not as yet employed, to win the Poles on a voluntary basis.

"*Reichshauptamtsleiter* Dr. Frauendorfer answered this question negatively.

"The General Governor emphasized the fact that he now will be asked to take a definite attitude toward this question. Therefore the question will arise whether any form of *coercive measures* should now be employed.

"The question put by the General Governor to SS Lieutenant General [*Obergruppenfuehrer*] Krueger: does he see possibilities of calling Polish workers by coercive means, is answered in the affirmative by SS Lieutenant General Krueger." (2233-N-PS)

At the same conference Frank declared that he was willing to agree to any practical measures, and decreed that unemployment

compensation should be discontinued on 1 May 1940 as a means of recruiting labor for Germany.

"The General Governor is willing to agree to any practical measure; however, he wishes to be informed personally about the measures to be taken. One measure, which no doubt would be successful, would be the *discontinuance of unemployment compensation* for unemployed workers and their *transfer to public welfare*. Therefore, he decrees that, beginning 1 May, claim for unemployment compensation will cease to exist and only public welfare may be granted. For the time being only men are to report and above those men living in cities. There might be a possibility of combining the moving of the 120,000 Poles from the Warthe district with this measure." (2233-N-PS)

In March 1940 Frank assured the authorities in Berlin that he was prepared to have villages surrounded and the people dragged forcibly out. He reported that, in the course of his negotiations in Berlin regarding the urgent demand for larger numbers of Polish farm workers, he had stated:

"* * * if it is demanded from him, [he] could naturally exercise force in such a manner, that he has the police surround a village and get the men and women in question out by force, and then send them to Germany. But one can also work differently, besides these police measures, by retaining the unemployment compensation of these workers in question." (2233-B-PS)

At a conference of Department Heads of the General Government on 10 May 1940 Frank laid down the following principles for dealing with the problem of conscription labor:

"Upon the demands from the Reich it has now been decreed that compulsion may be exercised in view of the fact that sufficient manpower was not voluntarily available for service inside the German Reich. This compulsion means the possibility of arrest of male and female Poles. . . . The arrest of young Poles when leaving church services or the cinema would bring about an ever-increasing nervousness of the Poles. Generally speaking, he had no objection at all if the rubbish, capable of work yet often loitering about, would be snatched from the streets. The best method for this, however, would be the organization of a raid, and it would be absolutely justifiable to stop a Pole in the street and to question him what he was doing, where he was working, etc." (2233-A-PS)

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Frank utilized starvation as a method of recruitment. At a conference on 20 November 1942 the following plan was agreed:

"Starting 1 February 1942 the food ration cards should not be issued to the individual Pole or Ukrainian by the Nutrition Office [*Ernaehrungsamt*], but to the establishments working for the German interest. 2,000,000 people would thus be eliminated from the non-German, normal ration-consuming contingent. Now, if those ration cards are only distributed by the factories, part of those people will naturally rush into the factories. Labor could then be either procured for Germany from them or they could be used for the most important work in the factories of the General Government." (2233-Y-PS)

On 18 August 1942 Frank informed Sauckel that the General Government had already supplied 800,000 laborers to Germany, and that a further 140,000 would be supplied by the end of the year. Regarding the quota for the next year he promised:

"* * * you can, however, next year reckon upon a higher number of workers from the General Government, for we shall employ the Police to conscript them." (2233-W-PS)

Six months after Frank promised Sauckel to resort to police action to round up labor for deportation to Germany, the Chairman of the Ukrainian Main Committee reported to Frank that the program was being carried out as follows:

"The wild and ruthless man-hunt carried on everywhere in towns and country, in streets, squares, stations, even in churches, at night in houses, has badly shaken the feeling of security of the inhabitants. Everybody is exposed to the danger of being seized anywhere and at any time by members of the police, suddenly and unexpectedly, and being brought into an assembly camp. None of his relatives knows what has happened to him, only weeks or months later, one or the other gives news of his fate by a postcard." (1526-PS)

(6) *Closing of schools.* The program outlined by Frank on 3 October 1939 as the program he intended to administer as Governor General included:

"closing of all educational institutions, especially technical schools and colleges in order to prevent the growth of the new Polish intelligentsia." (EC-344-16 & 17)

This decision was taken by Frank before it was determined what schools, if any, might be closed because of failure of instructors to refrain from reference to politics, or refusal to submit to inspection by the occupying authorities. Moreover, the policy was

determined, as indicated, in furtherance of the purpose of preventing the rise of an educated class in Poland.

(7) *Other crimes.* There were other grounds for uneasiness in Poland which Frank does not mention in his report to Hitler. He does not mention the Concentration Camps—perhaps because, as the “representative jurist” of National Socialism, Frank had himself defended the system in Germany. As Governor General Frank is responsible for all concentration camps within the boundaries of the General Government. As indicated above, he knew and approved that Poles were taken to concentration camps in connection with the resettlement projects. He had certain jurisdiction, as well, in relation to the notorious extermination camp Auschwitz, to which Poles from the General Government were committed by his administration, although the camp itself lay outside the boundaries of the General Government. In February 1944, Ambassador Counsellor Dr. Schumberg suggested a possible amnesty of Poles who had been taken to Auschwitz for trivial offenses and kept for several months. The report of the conference continues:

“The Governor General will take under consideration an amnesty probably for 1 May of this year. Nevertheless, one must not lose sight of the fact that the German leadership of the General Government must not now show any signs of weakness.” (2233-BB-PS)

G. CONCLUSION.

As legal adviser of Hitler and the leadership corps of the NSDAP, Frank promoted the conspirators’ rise to power. In his various juridical capacities, both in the NSDAP and in the German government, Frank advocated and promoted the political monopoly of the NSDAP, the racial program of the conspirators, and the terror system of the concentration camp and of arrest without warrant. His role in the common plan was to realize “the National Socialist Program in the realm of law”, and to give the outward form of legality to this program of terror, persecution and oppression, which had as its ultimate purpose mobilization for aggressive war.

As a loyal adherent of Hitler and the NSDAP, Frank was appointed Governor General in October 1939 of that area of Poland known as the General Government, which became the testing ground for the conspirators’ program of “*Lebensraum*.” Frank had defined justice in the field of German law as that which bene-

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fited the German nation. His five year administration of the General Government illustrates the same principles applied in the field of International Law.

Frank took the office of Governor General under a program which constituted in itself a criminal plan or conspiracy, as Frank well knew and approved, to exploit the territory ruthlessly for the benefit of Nazi Germany, to conscript its nationals for labor in Germany, to close its schools and colleges to prevent the rise of a Polish intelligentsia, and to administer the territory as a colonial possession of the Third Reich in total disregard of the duties of an occupying power toward the inhabitants of occupied territory. Under Frank's administration this criminal plan was consummated. But the execution went even beyond the plan. Food contributions to Germany increased to the point where the bare subsistence reserved for the General Government under the plan was reduced to the level of mass starvation; a savage program of exterminating Jews was relentlessly executed; resettlement projects were carried out with reckless disregard of the rights of the local population; the terror of the concentration camp followed in the wake of the Nazi invaders.

It has been shown that all of these crimes were committed in accordance with the official policies established and advocated by Frank.

This summary of evidence has been compiled almost entirely from statements by Frank himself, from the admissions found in his diaries, official reports, records of his conferences with his colleagues and subordinates, and his speeches. It is therefore appropriate that a final passage from his diary should be quoted in conclusion. In January 1943, Frank told his colleagues in the General Government that their task would grow more difficult. Hitler, he said, could only help them as a kind of "administrative pillbox". They must depend on themselves.

"We are now duty bound to hold together [he continued]
* * * We must remember that we who are gathered together here figure on Mr. Roosevelt's list of war criminals. I have the honor of being Number One. We have, so to speak, become accomplices in the world historic sense." (2233-AA-PS)

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO HANS FRANK

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6.....	I	5
	International Military Tribunal, Indictment Number 1, Section IV (H); Appendix A.....	I	29,60
	<p>—————</p> <p>Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.</p> <p>—————</p>		
*437-PS	Extract from report, 19 June 1943, by Frank to Hitler, concerning situation in Poland. (USA 610)...	III	396
*864-PS	Top Secret Note, 20 October 1939, on conference between Hitler and Chief OKW concerning future relations of Poland to Germany, 17 October 1939. (USA 609).....	III	619
1391-PS	Statute of the Academy for German Law, 2 July 1934. 1934 Reichsgesetzblatt, pp. 605-607.....	III	970
*1526-PS	Letter from Ukrainian Main Com-		

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Document	Description	Vol.	Page
	mittee to Frank, February 1943. (USA 178).....	IV	79
*2233-A-PS	Frank Diary. Abteilungsleiter-sitzungen, 1939-1940. Minutes of conferences, December and May 1940. (USA 173).....	IV	883
*2233-B-PS	Frank Diary. Tagebuch. 1940. Part I. January-March. (USA 174).....	IV	885
*2233-C-PS	Frank Diary. Tagebuch. 1940. Part IV. October-December. (USA 271).....	IV	890
*2233-D-PS	Frank Diary. Regierungssitzungen. 1941. October-December. Entry of 16 December 1941 at pp. 76-77. (USA 281).....	IV	891
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9. WILHELM FRICK

A. FRICK'S POLITICAL CAREER.

Frick's important contribution to the Nazi conspiracy was in the field of government administration. He was the administrative brain who organized the German state for Nazism and who geared the machinery of the state for aggressive war. It was Frick who transformed the plans and programs of his fellow conspirators into political action. He was the manager of the Nazi conspiracy. He was entrusted with broad discretion, exercised great power, and knew the criminal purpose of the acts he committed.

The conspiratorial activities of Frick cover a period of 25 years, beginning as early as 1920 (*3086-PS*).

A brief summary of Frick's activities will show how extensive was his contribution to the Nazi conspiracy. He took part in Hitler's Munich Beer Hall Putsch of November 1923, and was sentenced for his participation. He helped Hitler become a German citizen. To maintain the Nazi regime in the first 2 years of its existence and to achieve some of its most important immediate purposes, Frick signed 235 laws and decrees during that period, most of which are published in the *Reichsgesetzblatt*.

For the first time in German history a uniform police system for the whole German Reich was created. Frick was its creator and its supreme head. He appointed the Gestapo chief, Heinrich Himmler, Chief of the German Police. Frick was the highest controlling authority over concentration camps. He personally inspected these camps. His Ministry of the Interior made the necessary legal arrangements for acquiring land for the Auschwitz Concentration Camp. Through his Medical Division, Frick controlled the Nazi asylums and so-called medical institu-

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tions in which forced sterilizations and murders of thousands of Germans and of foreign laborers were carried out. The racial legislation, including the Nurnberg Laws, was drafted by Frick and administered under his jurisdiction. Frick introduced the Yellow Star as a sign of stigmatization of the Jews.

In the course of his active participation in the Nazi conspiracy, Frick occupied a number of important positions. Among his Nazi Party positions are the following: member of the Nazi Party from 1925 to 1945; Reich Leader of the Nazi Party from 1933 to 1945; floor leader of the Nazi Party in the Reichstag from 1928 to 1945. His governmental positions were: chief of a division of the Munich Police Department from 1917 to 10 November 1923, 2 days after Hitler's Putsch; Nazi Minister of the Interior and of Education in the German State of Thuringia from January 1930 to April 1931; Reichminister of the Interior from 30 January 1933 to 20 August 1943; member of the Reich Defense Council as General Plenipotentiary for the Administration of the Reich from 21 May 1935 to 20 August 1943. On 20 August 1943, Frick was appointed Reich Protector of Bohemia and Moravia, and he held this last position until 1945. (2978-PS)

B. FRICK'S PARTICIPATION IN PROMOTING THE NAZI CONSPIRATORS' ACCESSION TO POWER.

Frick has admitted that he was one of the men who helped Hitler to power (3043-PS).

(1) *Frick's activities in early days of conspiracy.* In the very beginning of the Nazi Party and its conspiracy, Frick misused his various governmental positions in order to hold a "protecting hand over the National-Socialist Party and Hitler." This he stated solemnly in his speech before the Munich People's Court during the Putsch trial (3119-PS; see "The Hitler Trial Before the People's Court in Munich" (*Der Hitler Prozess vor dem Volksgericht in Muenchen*), published by Knorr & Hirth, G.M.B.H., Muenchen, 1924.)

When Hitler was arrested during those early revolutionary days, Frick used his position in the Munich Police Department to release him under his own authority (3124-PS).

Frick participated in the Nazi Beer Hall Putsch of 8-9 November 1923, and was tried with Hitler on a charge of complicity in treason. He was convicted and received a suspended sentence of one year and three months in a fortress (3132-PS).

Hitler's appreciation of Frick's assistance during those years is demonstrated by the fact that Hitler honored Frick by men-

tioning his name in *Mein Kampf*, the Nazi bible. Only two other defendants in this proceeding, Hess and Streicher, share that honor. In this reference Hitler said of Frick:

"He [Munich Police President Poehner] and his coworker Dr. Frick are in my estimation the only men in government positions, who have the right to collaborate in the establishment of a Bavarian Nation." (3125-PS)

(2) *Frick's activities as member of Reichstag.* Having been elected to the Reichstag on 4 May 1924, Frick stated that it was his task not to "support, but to undermine the parliamentary system" (2742-PS).

In the Reichstag Frick immediately proposed those discriminatory measures against the Jews which were enacted after he and the other Nazi conspirators had come into power in 1933. On 25 August 1924 Frick demanded in the Reichstag that all Jews be removed from public office (3128-PS). Two days later he returned with a motion calling for "special legislation for all members of the Jewish race" (3119-PS).

In 1930, a significant investigative report was prepared by the Prussian Ministry of the Interior (2513-PS). This official report analyzed the criminal activities of Hitler, Frick, and other Nazis. It stated that Frick had to be regarded as the most influential leader of the NSDAP next to Hitler. This document reported that at the 1927 Party Congress in Nurnberg, Frick said that the Nazi Party would first infiltrate into parliament and misuse its privileges, then abolish it and thus open the way for racial dictatorship. The document also reported that Frick stated in a speech in 1929 at Pyritz that this fateful struggle would first be taken up with the ballot, but that this could not continue indefinitely, for history had taught that in a battle "blood must be shed and iron broken." As early as 1929, according to this same report, Frick announced that a Special Peoples' Court would be created, in which the enemies of the Nazi Party would be called to account for their political acts (2513-PS).

(3) *Frick's activities as Minister of Interior and Education in Thuringia.* Frick's prominent role in helping to bring the Nazis to power was recognized when on 23 January 1930 he was appointed Minister of the Interior and Education in the German State of Thuringia, the first ministerial appointment controlled by the National Socialists (3119-PS).

It was in this capacity that Frick began his manipulation to provide Adolf Hitler with German citizenship, an essential step

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toward the realization of the Nazi conspiracy. It must be remembered that Hitler at that time was not a German citizen and was regarded by the Prussian police administration as an undesirable alien. This lack of German citizenship was most damaging to the cause of the Nazi Party because, as an alien, Hitler could not become a candidate for the Reich Presidency in Germany.

In the beginning, Frick was unsuccessful when he tried to grant Hitler German citizenship by appointing Hitler as police officer in Thuringia, thus conferring German citizenship automatically. Later he succeeded with a similar maneuver. This was expressly confirmed by Otto Meissner, former State Secretary and Chief of Hitler's Presidential Chancellery, in an affidavit which reads in part as follows:

"Frick also, in collaboration with Klagges, Minister of Brunswick, succeeded in naturalizing Hitler as a German citizen in 1932 by having him appointed a Brunswick government official (Counsellor of Government). This was done in order to make it possible for Hitler to run as a candidate for the office of President of the Reich." (3564-PS)

During his tenure as State Minister in Thuringia, Frick again misused his official authority in order to advance the Nazi conspiracy through measures designed to establish Nazi control over the police, and over the administration and curriculum of universities and schools. Three of his measures are specially noteworthy:

(a) Appointment of the Nazi race theoretician, Dr. Guenther, as Professor at the University of Jena, against the wishes of the faculty.

(b) Compulsory introduction in the schools of Nazi prayers whose nationalistic, militaristic, and blasphemous character was such that three out of five were declared unconstitutional by the German Constitutional Court on 11 July 1930.

(c) Infiltration of Nazis in the Police, which twice provoked a rupture in the administrative relations between the State of Thuringia and the Reich Ministry of the Interior, and resulted in the withdrawal of the important police subsidy payment of the Reich to the State. (3132-PS; 3128-PS)

C. FRICK'S PARTICIPATION IN THE ESTABLISHMENT OF TOTALITARIAN CONTROL OVER GERMANY.

Frick's appointment as Reichminister of the Interior in the first Hitler Cabinet of 30 January 1933 gave him the task of

"strengthening the power of the government and to secure the New Regime" (3128-PS).

(1) *Powers of Frick as Minister of Interior.* To this task his Ministry was perfectly suited. As Minister of the Interior Frick became responsible for the realization of a large part of the conspirators' program, through both legislation and administration. His Ministry was charged especially with the following tasks:

(a) Internal Administration (State and local governments; State and Local Civil Service).

(b) Relations between Nazi Party and State.

(c) Elections.

(d) Citizenship.

(e) Racial Law and Policy (Jewish Question, Eugenics), National Health.

(f) Armed Forces and Reich Defense (Conscription).

(g) Establishment of the New Order in occupied and annexed territories.

(h) Legislation, Constitutional Law (civil liberties).

(i) Police Forces (including Gestapo, protective custody, concentration camps). (3303-PS; 3475-PS)

The names of the men who, according to (3475-PS), worked under Frick's supervision are significant. Among the subordinates of Frick were "Reich Health Leader, Dr. Conti," "Reich Fuehrer SS and Chief of the German Police, Heinrich Himmler," and "Reich Labor Service Leader, Konstantin Hierl." Frick was, therefore, supreme commander of three important pillars of the Nazi state: The Nazi Public Health Service, the Police System, and the Labor Service.

The wide variety of the activities of Frick as Reich Minister of the Interior can be judged from the following catalogue of his functions: He had final authority on constitutional questions, drafted legislation, had jurisdiction over governmental administration and civil defense, and was final arbiter of questions concerning race and citizenship. The Manual for Administrative Officials also lists sections of his ministry concerned with administrative problems for the occupied territories, including annexed territories, the New Order in the South East, the Protectorate of Bohemia and Moravia, and the New Order in the East (3475-PS).

The Ministry of the Interior also had considerable authority over the civil service, including such matters as appointment, tenure, promotion, and discharge. The Manual for Administrative Officials (3475-PS) states that Frick's functions included supervision of the general law of civil servants, civil servants' policies, civil service aspirants, education and training of civil

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servants and political and other officials. Frick's Ministry also had extensive jurisdiction over the German civil servants detailed to the administration of the occupied countries. This fact was admitted by Wilhelm Stuckart, former Under Secretary of Frick's Ministry of the Interior, who stated in an interrogation:

"As far as I know, the officials for the new territories were selected by the Personnel Office [of the Ministry of the Interior] according to their qualifications, their physical condition and maybe also their knowledge of the language."
(3570-PS)

In the full use of these broad powers, Frick made his essential contribution to the advancement of the conspiracy.

(2) *Nazi seizure of power of German States.* His first act after the Conspirators' accession to power was to install Nazi governments and administrations in all German States where they were not already in power. The State governments which refused to hand over their constitutional authority to the Nazi successors designated by Frick were removed on Frick's orders. This was the case in Bavaria, Hamburg, Bremen, Luebeck, Hessen, Baden, Wuerttemberg, and Saxony.

The manner and purpose of this program was clearly stated in the book, "Dr. Frick and his Ministry," which was published by his Under-Secretary Wilhelm Pfundner for Frick's 60th birthday in order to establish the full scope of his contribution to the creation of the Nazis' "Thousand-Year Reich":

"While Marxism in Prussia was crushed by the hard fist of the Prussian Prime Minister, Hermann Goering, and a gigantic wave of propaganda was initiated for the Reichstag elections of 5 March 1933, Dr. Frick prepared the complete seizure of power in all states of the Reich. All at once the political opposition disappeared. All at once the Main [River] line was eliminated. From this time on only one will and one leadership reigned in the German Reich." (3119-PS; 3132-PS)

(3) *Abolition of political opposition.* Frick then proceeded to destroy all opposition parties in order to establish the political monopoly of the Nazi Party over Germany. Here again he acted by legislative fiat against all parties which did not dissolve voluntarily. Among the laws which he initiated for this purpose were the law of 26 May 1933 confiscating Communists' property (1396-PS); the law of 14 July 1933 confiscating property inimical to nation and state (1388-PS); the law of 7 July 1933 void-

ing the mandates of all Social Democrat candidates elected to Reich state and local diets (2058-PS); and the law of 14 July 1933 outlawing all political parties other than the Nazi Party (1388-A-PS; see 2403-PS).

Frick drafted and administered the laws which assured the control of the Nazi Party over the State and "placed the government machinery * * * at the disposal of the Party." Chief among these enactments were the Law to Secure the Unity of Party and State, of 1 December 1933, which provided that all government agencies should "lend legal and administrative aid to the Party agencies" (1395-PS), and the law of 1 August 1934 consolidating the positions of Chief of State and Leader of the Party (2003-PS; see 3119-PS).

The success of this series of measures was accurately described by Frick himself in the following terms:

"In National Socialist Germany, leadership is in the hands of an organized community, the National Socialist Party; and as the latter represents the will of the nation, the policy adopted by it in harmony with the vital interests of the nation is, at the same time, the policy adopted by the country * * *." (3258-PS)

(4) *Consolidation of power in Reich Cabinet.* Frick's next task was to consolidate the executive and legislative control thus achieved. First he drafted the law of 24 March 1933, which gave the Reich Cabinet the power to legislate by decree. This law marked the end of parliamentary government in Germany (2001-PS).

As a further step in the same direction, Frick prepared a series of laws which destroyed all autonomous State and local government. Through these laws, all governmental power in Germany was consolidated in the Reich Cabinet. Administration of these laws was placed in the hands of Frick. These enactments include the Temporary Law for the Coordination of the States with the Reich, of 31 March 1933 (2004-PS); the Law for the Coordination of the States with the Reich, of 7 April 1933 (2005-PS); the law of 30 January 1934 transferring the sovereignty of the states to the Reich; the first ordinance under the law of 30 January 1934 subjecting state legislation to Reich approval, 2 February 1934; the second Reich Governor Law of 30 January 1935; the German Municipality Act of 30 January 1935 (2008-PS); and the law of 14 February 1934 abolishing the Reichsrat. (see 3119-PS; 2380-PS).

Frick drafted the laws which abolished the independence of the

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civil service, including functionaries of the Reich and the States, judges, and university teachers. As Reichsminister of the Interior, he was charged with the administration of these laws. Among these laws was the Civil Service Act of 7 April 1933, paragraphs 3 and 4 of which provided for the elimination of civil servants on the basis of religious or political beliefs (1397-PS; see 3119-PS).

This complete subjection of the civil servants to the Nazi-controlled Ministry of Interior was well illustrated by an order of Frick demanding a report on civil servants who had failed to vote in the Reichstag elections of 29 March 1936 (D-43).

(5) *Establishment of the Police State.* Having thus taken possession of the entire government machinery, Frick organized a huge Reich police in order to maintain the conspirators' power against all opposition.

It should be emphasized that before this time there was no unified Reich police system; each individual German State had a police force of its own. Even then, Frick had complete control over the police forces, through the Reich Governor Act which subjected the State governments to the authority of the Reich government, in the person of the Reich Minister of the Interior (2005-PS; L-82).

The decisive change-over to centralized totalitarianism was effected by the Act of 17 June 1936 (RGBl, 1936, Part I, p. 487), which was signed by Frick and Hitler (2073-PS). Section 1 of this decree reads as follows:

"For the unification of police duties in the Reich, a Chief of German Police is instituted in the German Ministry of the Interior, to whom is assigned the direction and conduct of all police affairs." (2073-PS)

Section 2 shows that it was Frick and Hitler, the signers of the decree, who appointed Himmler as Chief of the German Police. Paragraph 2, section 2 of the decree states that Himmler was "subordinated individually and directly to the Reich and Prussian Minister of the Interior" (2073-PS). In other words, Frick not only appointed Himmler but himself became, pursuant to this decree, the supreme commander of the Reich police system in his capacity as Reich and Prussian Minister of the Interior.

The official chart of the German police system (1852-PS; see *Chart Number 16*) clearly shows the position of Reichminister of the Interior Frick as the head of the entire German police system.

This includes the notorious RSHA, of which Kaltenbrunner became chief under Frick in January 1943 (3119-PS).

Frick used this newly created authority for the promotion of the Nazi conspiracy. By his decree of 12 February 1936 he established in detail the jurisdiction of the Secret State Police (Gestapo), especially over the concentration camps and in the field of political police information (2108-PS).

By his decree of 20 September 1936, published in the Ministerial Gazette of the Reich (*Ministerialblatt des Reichs-und Preussischen Ministerium des Innern*), 1936, page 1343, (2245-PS), Frick reserved for himself the authority to appoint inspectors of security police and ordered their close cooperation with the Party and with the Army. Furthermore, in an ordinance dated 18 March 1938 (RGBl, 1938, Part I, page 262) (1437-PS) concerning the reunion of Austria with the Reich, Frick authorized Himmler to take security measures in Austria without regard to previous legal limitations. Similarly, in his Decree of 11 November 1938 Frick ordered that all authorities cooperate closely with the SD and RSHA under Himmler (1638-PS).

Frick's direct control over Himmler's Reich police can also be shown in numerous other instances. It is necessary only to mention Himmler's order of 26 June 1936 by which he authorized Reinhard Heydrich, Chief of the SD, and Kurt Daluege, Chief of the regular police, to sign "By order of the Minister of the Interior" (1551-PS; 1680-PS).

As a result, the Police and part of Himmler's SS became in fact merged under Frick's jurisdiction. An order by Hitler dated 17 August 1938 regulated the functions of the SS, which "have entered into close connection with the duties of the German police" in the Ministry of Interior (647-PS; see 1637-PS).

Similarly, Frick gave direct orders to the State Gestapo offices. Thus on 6 November 1934 Frick issued an order addressed, among others, to the Prussian Gestapo, prohibiting the publication of Protestant church announcements (1498-PS), and also issued a secret circular addressed, among others, to the Prussian Gestapo, subjecting Catholic youth organizations to severe restrictions (1482-PS).

It is not necessary here to repeat the evidence concerning the criminal activities of the German police, over which Frick had supreme authority. Reference is made to Chapter XI on Concentration Camps, Chapter XII on Persecution of the Jews, Section 6, Chapter VII on Persecution of the Church, and Chapter XV on the criminal organizations, such as the SA, SS, the Gestapo, and SD. Frick's personal familiarity with these illegal activities

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may be illustrated by two striking instances. The first instance is contained in a synopsis of correspondence between the Reich Ministry of the Interior and its field offices from November 1942 through August 1943, concerning the legal aspects of the confiscation of property by the SS for the enlargement of the concentration camp at Auschwitz (1643-PS). This document contains the minutes of a meeting held on 17 and 18 December 1942 concerning the confiscation of this property. These minutes indicate that a further discussion was to be held on this subject on 21 December 1942, between the representatives of the Reichminister of the Interior and the Reichsfuehrer SS. There is also a summary of a teletype letter, 22 January 1943, from Dr. Hoffman, representing the Reichminister of the Interior, to the *Regierungspraesident* in Kattowitz, a provincial administrator under the direct jurisdiction of the Reichminister of the Interior. The summary begins significantly with the sentence:

"The territory of the Auschwitz Concentration Camp will be changed into an independent estate." (1643-PS)

A second illustration of Frick's personal interest in the activities of Himmler's police and SS is the fact that in 1943 Frick visited the concentration camp at Dachau, where he personally acquainted himself with the forced malaria inoculation of healthy camp inmates and with other experiments on human beings carried out by Dr. Rascher. This is borne out by the affidavit of Dr. Franz Blaha, a former inmate of the concentration camp at Dachau, who has stated that Frick made a special tour of inspection of the malaria and cooling experimental stations at Dachau (3249-PS).

(6) *Suppression and terrorization of opponents.* Having established this powerful police organization under his command, Frick used it especially in order to suppress all internal opposition. That this would be his aim he had repeatedly announced even in the years before 1933, when he declared that he was ready to establish the power of the conspirators with terror and violence (2513-PS).

As early as 1932, Frick threatened his opponents in the Reichstag with these words:

"Don't worry, when we are in power we shall put all of you guys in concentration camps." (L-83)

In pursuance of this long-planned campaign of political terrorism, Frick drafted and signed a series of decrees legalizing all those uses of the political police which he considered neces-

sary in order to establish the dictatorial power of the conspirators within Germany.

Five days after the accession of the conspirators to power Frick signed the first law limiting the freedom of assembly and of the press in Germany. Then, on 28 February 1933, the day after the Reichstag fire, civil rights in Germany were abolished altogether by decree signed by Frick (1390-PS).

The preamble of this decree, which was published on the morning after the Reichstag fire, stated that the suspension of civil rights was decreed as a defense measure against Communist acts of violence endangering the State. At the time of publication of this decree, the Nazi government announced that a thorough investigation had proven that the Communists had set fire to the Reichstag building. It is not necessary here to go into the controversial question of who set fire to the Reichstag, but it should be stressed that the official Nazi statement that the Communists had set fire to the building, on which Frick's law was predicated, was issued without any investigation. Proof of this fact is contained in an interrogation of Goering on 13 October 1945, which contains the following passage:

"Q. How could you tell your press agent, one hour after the Reichstag caught fire, that the Communists did it, without investigation?

A. Did the public relations officer say that I said that?

Q. Yes. He said you said it.

A. It is possible when I came to the Reichstag, the Fuehrer and his gentlemen were there. I was doubtful at the time but it was their opinion that the Communists had started the fire.

Q. But you were the highest law enforcement official in a certain sense. Daluege was your subordinate. Looking back at it now, and not in the excitement that was there once, wasn't it too early to say without any investigation that the Communists had started the fire?

A. Yes, that is possible, but the Fuehrer wanted it this way.

Q. Why did the Fuehrer want to issue at once a statement that the Communists had started the fire?

A. He was convinced of it.

Q. It is right when I say he was convinced without having any evidence or any proof of that at this moment?

A. That is right, but you must take into account that at that time the Communist activity was extremely strong, that our new government as such was not very secure." (3593-PS)

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This Act of 28 February 1933 also constituted the basis for the establishment of the concentration camps. Frick himself established in detail the handling of so-called "protective custody" under which inmates were held in concentration camps (779-PS; 1723-PS; L-302).

Frick also signed two laws designed specifically to suppress all criticism and opposition to the Government and the Nazi Party (1652-PS; 1393-PS).

Frick also signed the laws which brought about the suppression of independent labor unions as a potential source of opposition inside Germany to the progress of the Nazi conspiracy (405-PS; 1861-PS; 1770-PS). Among these decrees was the law providing for the confiscation of all labor union property in favor of the German Labor Front (1403-PS).

Furthermore, Frick and his subordinates took an active part in the persecution of the independent churches. An order of the Reich Minister of the Interior dated 6 November 1934 prohibited the publication of Protestant church announcements (1498-PS); likewise Frick issued a circular letter to Reich officials imposing severe restrictions on Catholic youth organizations (1482-PS). Frick further on 5 May 1938 wrote to the heads of government agencies proposing methods for invalidating the concordat between Austria and the Holy See (680-PS). His Ministry was also in correspondence with the SD from 1940-1942 concerning the confiscation of church property (R-101-A, through R-101-D).

D. FRICK'S PROMOTION OF RACIAL PERSECUTION AND RACISM.

Frick promoted the program of racial persecution and racism, involving the wiping out of the Jews, and the killing of the allegedly insane and others for whom the German war machine had no further use.

In addition to its many other responsibilities, the vast administrative empire of Frick controlled the enactment and administration of racial and eugenic legislation. The "Manual for German Administrative Officials" (3475-PS) shows the following additional functions of Frick's Ministry: Health Administration, Social Hygiene; Heredity and Racial Welfare; Reich Plenipotentiary for Sanitaria and Nursing Homes; Board for the Examination of Physicians, Dentists and Pharmacists; and Reich Committee for Public Hygiene. Accordingly, Frick was the administrative guardian and protector of the German race.

(1) *Persecution of Jews.* Frick took charge of the legislative and administrative program through which the Nazi conspirators sought to wipe out the "non-Aryan" part of the German population. Here again he drafted, signed, and administered the basic legislation. Among these discriminatory enactments were the following: the Reich Citizens Law of 15 September 1935 depriving Jews of their citizenship rights (1416-PS); the law for the protection of German blood and honor, 15 September 1935, prohibiting mixed marriages (2000-PS); the first ordinance under the Reich Citizens Law, 14 November 1935, depriving Jews of the right to vote (1417-PS); the Civil Service Act of 7 April 1933 providing for the elimination of non-Aryan government workers (1397-PS); the decree of 20 May 1938 introducing the Nurnberg laws in Austria; the decree of 31 May 1941 introducing the Nurnberg laws in the annexed eastern territories (see 3119-PS).

Extending his program of persecution even to the religious practices of the Jews, Frick signed the decree which outlawed ritual slaughtering.

But the activities of Frick's Ministry were not restricted to the commission of such crimes, camouflaged in the form of legislation. The police field offices, subordinates to Frick, participated in the organization of such terroristic activities as the pogrom of 9 November 1938. The pogrom was organized through a series of secret teletype orders issued by Heydrich (374-PS; 3051-PS). Afterward Heydrich reported on the loss of Jewish life and property resulting from the pogrom (3058-PS).

The pogroms gave the Nazi conspirators occasion to proceed to the complete elimination of the Jews from economic life and the confiscation of most of their property (1662-PS; 1409-PS).

Three days after this pogrom of 9 November 1938 Frick, his undersecretary Stuckart, and his subordinates Heydrich and Daluge, participated in a conference on the Jewish question under the chairmanship of Goering. At this meeting various measures were discussed which the individual governmental departments should initiate against the Jews. Goering's concluding remark in that conference was:

"Also the Minister of the Interior and the Police will have to think over what measures will have to be taken." (1816-PS).

It was, accordingly, Frick's duty to follow up by administrative action the pogrom organized by Frick's own subordinates.

Thereafter, Frick signed the Law of 23 July 1938 ordering a

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special registration for all Jews, in order to establish the strictest possible control over the Jewish population.

After the outbreak of the war Heydrich issued an order in Frick's name, compelling all Jews to wear a yellow star in public (2118-PS).

Among the Ordinances which Frick issued under the Reich Citizen Law of 15 September 1935, special mention should be made of the 11th Ordinance of 25 November 1941, which ordered the confiscation of the property of all deported or emigrated Jews; and the 13th Ordinance, under which the Jews were deprived of all legal protection and completely handed over to the jurisdiction of the police (1422-PS; 3085-PS).

Stuckart, Under-Secretary in the Ministry of Interior, characterized this legislation as the essential preparation for the "final solution of the Jewish question" (3131-PS).

(2) *Measures against "Inferior Racial Stock."* The Public Health Service was administered as a division of Frick's Ministry. One of its subdivisions was devoted to race and heredity problems (3123-PS). In his capacity as chief of this service Frick drafted the basic law controlling sterilization of persons afflicted with "hereditary diseases" (3067-PS). Its administration was in the hands of his Ministry (D-181; L-305).

E. FRICK'S PARTICIPATION IN THE PREPARATIONS FOR AGGRESSIVE WAR.

Frick wholeheartedly supported the conspirators' preparations for war. It was his position that:

"Germany would observe her international undertakings only so long as it suited Germany's interests to do so." (2385-PS)

Frick, as Reich Minister of the Interior, was

"The 'civilian' defense minister and as such cooperated prominently * * * in the important field of 'defense legislation' and thereby in the development of * * * Germany's armed forces." (3119-PS)

Frick's Ministry had a division entitled "Armed Forces and Reich Defense" (3303-PS).

(1) *Rearmament and reinstitution of military service.* Frick took a leading part in Germany's rearmament in violation of the Versailles Treaty. He drafted the basic laws on military service. These include the law of 16 March 1935 reintroducing universal military conscription (1654-PS); the decree of 6 March 1936

extending military and labor service to German citizens abroad; the decree of 16 June 1938 extending the military service law to Austria (1660-PS); and the decree of 30 April 1940 extending the Military Service Law to the incorporated eastern territories (see 3043-PS; 1389-PS; 388-PS, item 20).

Frick also supported the military training program of the SA, for the financing of which his Ministry of Interior was called upon to supply funds (1850-PS).

Additional evidence that Frick contributed to Germany's rearmament for aggressive war is contained in a secret order, 25 July 1933, from the Supreme Command of the SA on the subject, "Publications of the SA." This order states that several days before 25 July 1933 the Reich Ministry of the Interior at the request of the Foreign Office gave strict instructions to all Reich authorities that the most severe control was to be exercised over all publications which might give other countries an opportunity to construe German activities as infringements of the Versailles Treaty (D-44).

(2) *Fifth column activities abroad.* In further preparation for the aggressive wars planned by the conspirators, Frick used his power, prestige, and funds as Minister of the Interior in order to command support for the organization of a Fifth Column abroad among foreign nationals of German ancestry. In a circular of 24 February 1933 issued less than a month after the conspirators had taken over the government of Germany, Frick ordered all State governments to support, especially financially, the organization work of the League for Germandom Abroad among the

"30 million Germans in foreign countries [*Auslands-deutschen*] outside of the present contracted borders of the Reich [who] are an integral part of the entire German people." (3258-PS)

Frick at a later date stated even more clearly the true purpose of this German Fifth Column he was helping to organize abroad. In his speech at the twentieth annual meeting of the official German Foreign Institute held in Stuttgart, on 11-15 August 1937, Frick stated that—

"the new Germany has recognized that its attention and devotion to the welfare of the millions of Germans who have not the fortune to owe political allegiance to Germany, but who are condemned to live abroad, are not merely a matter of natural sympathy and solidarity, but are in a higher

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degree dictated by the strong political and economic interests of the Reich." (3258-PS)

(3) *Organization of civilian agencies for war.* Frick's principal contribution to the war preparations of the Nazi conspirators lay in his role as General Plenipotentiary for the Administration of the Reich. He occupied this position as a member of the Reich Defense Council, beginning on 21 May 1935 (2978-PS).

In this capacity, Frick had complete authority over "the uniform direction of the nonmilitary administration with the exception of the economic administrations."

He was given control over the Ministries of Interior, Justice, Education, Churches, and the Office for Spatial Planning, in order to direct their entire planning activities in preparation of war (2986-PS; 2194-PS). This was Frick's responsibility during the more than 4 years that elapsed before the actual launching of the conspirators' first aggressive war.

As General Plenipotentiary for the Administration, Frick was a member of the so-called Three-Man Committee, with Schacht, later Funk (Economy), and Keitel (OKW). This small group, which was empowered to legislate by decree on all matters relating to war preparedness, represented during these decisive years, from 1935 to 1939, a compact, powerful body in which could be concentrated the conspirators' preparations for war (2986-PS; see also Section 3, chapter XV on the Reich Cabinet).

In a speech made on 7 March 1940 at the University of Freiburg, Frick admitted the significant part he played in the preparations for war and as a member of the triumvirate created by the secret Reich Defense Law.

" * * * The organization of the nonmilitary national defense fits organically into the entire structure of the National Socialist government and administration. This state of affairs is not exceptional, but a necessary and planned part of the National Socialist order. Thus, the conversion of our administration and economy to wartime conditions has been accomplished very quickly and without any friction—avoiding the otherwise very dangerous changes of the entire structure of the State.

The planned preparation of the administration for the possibility of a war has already been carried out during the peace. For this purpose, the Fuehrer appointed a Plenipotentiary General for the Reich Administration and a Plenipotentiary General for the Economy. The Plenipotentiary

General for the Administration was placed in charge of the coordination of the nonmilitary administrations, with the exception of the Administration of Economics." (2608-PS)

F. FRICK'S PARTICIPATION IN THE CONSPIRACY TO COMMIT WAR CRIMES.

Frick, as Minister of the Interior, was charged with the administrative policy for all occupied and annexed territories. For this purpose, the Ministry contained a Division for Incorporated Territories, with Subdivisions entitled Reorganization in the South-East, the Protectorate, the East, and the West (3475-PS).

When the Nazi conspirators embarked on their program of "bloodless" territorial aggrandizement, Frick was in control of the incorporation and administration of these territories. Thus, it was Frick's Ministry which introduced the German New Order and German law throughout the territories of Europe occupied by the German Armed Forces. Frick exercised these powers in the Saar; in Austria (2307-PS, 3075-PS); in the Sudetenland (3076-PS); in Bohemia and Moravia (2119-PS); in Memel; and in Danzig (3077-PS).

When the conspirators started their aggressive wars, Frick was specifically charged with the organization and integration of the territories illegally annexed by Germany. Among the territories over which Frick was given control were the Incorporated Eastern Territories, the Gouvernement-General of Poland, Eupen, Malmedy, and Moresnot, and Norway.

In the exercise of this over-all administrative control:

(1) Frick provided in detail for the administration of occupied Polish Territory. It was Frick who was responsible for the installation of an SS Chief in the Territory in charge of the Police and the forced resettlement program (3304-PS).

(2) Frick provided the administrative personnel for the government of these occupied territories. Thus, he arranged for the selection and assignment of hundreds of occupation officials for Russia before the invasion had even begun (1039-PS).

Similarly, Wilhelm Stuckart, former Under-Secretary of the Interior under Frick, has stated in an interrogation:

"As far as I knew, the officials for the new territories were selected by the Personnel Office [of the Ministry of the Interior] according to their qualifications, their physical condition, and maybe also their knowledge of the language."
(3570-PS)

(3) Frick had complete charge of the program of denationali-

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zation, under which certain groups of citizens in annexed territories were forced during the progress of the war to abandon their original national allegiance and to accept German nationality. The decree of 4 March 1941 established a German Racial Registry under which allied nationals of German stock were required to accept German nationality and to remove to German territory (2917-PS). Among the conquered territories in which these activities of Frick were felt were Bohemia and Moravia, Upper Corinthia and Lower Styria, Eupen, Malmedy, and Moresnot, and the Incorporated Eastern Territories (see 3225-PS).

These measures place upon Frick a full share of responsibility for the war crimes committed by the conspiracy in the occupied and annexed territories.

G. FRICK'S PARTICIPATION IN THE CONSPIRACY TO COMMIT CRIMES AGAINST HUMANITY.

Frick actively participated in the execution of the conspirators' program of atrocities and Crimes against Humanity. Even without such personal participation, however, Frick has admitted that he could properly be charged with having for 12 years continued in the Reich Cabinet, after he had realized the direction the conspiracy was taking (3043-PS).

The scope of Frick's personal and direct responsibility for Nazi Crimes against Humanity is so broad that reference need be made only to a few of the most significant instances.

(1) *Gestapo atrocities and concentration camps.* Frick, as jurisdictional head of the German Police Administration, is responsible for the crimes and atrocities perpetrated by the German police, especially the Gestapo and SD, inside and outside of Germany. (See 1643-PS; also Chapter XI on Concentration Camps.)

As already stated, Frick demonstrated particular interest in the "medical" experiments carried on in the concentration camps under the personal direction of Himmler. Frick paid a personal visit to Germany's oldest concentration camp, Dachau, in 1943, for the purpose of inspecting the malaria station and Dr. Rascher's Experimental Station (3249-PS). There he could personally acquaint himself with the forced subjection of healthy camp inmates to malarial mosquitos and the air-pressure and freezing experiments on human beings carried on by Dr. Rascher.

(2) *Oppression of inhabitants of occupied territories.* As administrative head of the occupied territories, Frick issued decrees depriving the inhabitants of their rights and subjecting them to a

cruel and discriminatory regime. Among these enactments were the decree of 4 December 1941 establishing a special penal law for the Polish and Jewish inhabitants of the Gouvernement General (*R-96*), (*1249-PS*); the decree of 1 July 1943 depriving Jews of rights remaining to them under the decree of 4 December 1941 (*1422-PS*); and the Himmler ordinance of 3 July 1943 charging the Gestapo with the execution of the decree of 1 July 1943 (published in Frick's Ministry of Interior Gazette 1943, p. 1085) (*3085-PS*).

Similarly, the Decree on the Utilization of Eastern Workers, which required that they be paid salaries substantially below those fixed for German workers holding similar jobs, was signed in Frick's name by his Secretary of State.

(3) *Systematic killing of insane, ill, aged, and incapacitated foreign slave laborers.* Frick's greatest guilt perhaps rests on his responsibility, as Reich Minister of the Interior, for the systematic killing of the insane, the sick, and the aged, including those foreign forced laborers who were no longer able to work. These killings were carried out in nursing homes, hospitals, and asylums. Frick, in his capacity of Reichsminister of the Interior, had full jurisdiction over all these institutions (*3475-PS*).

Proof that the Reichministry of the Interior under Frick actually exercised this jurisdiction is to be found in a letter of 2 October 1940 (*621-PS*) from the Chief of the Reich Chancellery, Dr. Lammers, to the Reichsminister of Justice. The letter informed the Minister of Justice that the Chief Prosecutors' reports concerning the death of inmates of nursing homes had been transmitted to the Reichsminister of the Interior for further action (*621-PS*). Through other correspondence Frick's Ministry of the Interior was informed of the unexplained deaths of insane persons (*1696-PS*; *1969-PS*).

The most striking example of the continued killings in these institutions, which were under Frick's jurisdiction, is the famous Hadamar case. Systematic killing started at the Hadamar nursing home as early as 1939. At least as early as 1941 Frick was officially acquainted with the fact that these killings had become public knowledge. Proof is found in a letter from the Bishop of Limburg of 13 August 1941 to the Reichsminister of Justice, copies of which were sent to the Reichsminister of the Interior and the Reichminister for Church Affairs. The letter reads in part as follows:

"* * * About 8 kilometers from Limburg, in the little town of Hadamar, on a hill overlooking the town, there is an

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institution which had formerly served various purposes and of late had been used as a nursing home; this institution was renovated and furnished as a place in which, by consensus of opinion, the above-mentioned Euthenasia has been systematically practiced for months—approximately since February 1941. The fact has become known beyond the administrative district of Wiesbaden, because death certificates from a Registry Hadamar-Moenchberg are sent to the home communities. * * *

"Several times a week buses arrive in Hadamar with a considerable number of such victims. School children of the vicinity know this vehicle and say: 'There comes the murder-box again.' After the arrival of the vehicle, the citizens of Hadamar watch the smoke rise out of the chimney and are tortured with the ever-present thought of the miserable victims, especially when repulsive odors annoy them, depending on the direction of the wind.

"The effect of the principles at work here are: Children call each other names and say, 'You're crazy; you'll be sent to the baking oven in Hadamar.' Those who do not want to marry, or find no opportunity, say 'Marry, never! Bring children into the world so they can be put into the bottling machine!' You hear old folks say, 'Don't send me to a state hospital! After the feeble-minded have been finished off, the next useless eaters whose turn will come are the old people.'

"* * * The population cannot grasp that systematic actions are carried out which in accordance with Par. 211 of the German criminal code are punishable with death! * * *

"Officials of the Secret State Police, it is said, are trying to suppress discussion of the Hadamar occurrences by means of severe threats. In the interest of public peace, this may be well intended. But the knowledge and the conviction and the indignation of the population cannot be changed by it; the conviction will be increased with the bitter realization that discussion is prohibited with threats but that the actions themselves are not prosecuted under penal law.

"Facta loquuntur."

"I beg you most humbly, Herr Reich Minister, in the sense of the report of the Episcopate of July 16 of this year, to prevent further transgressions of the Fifth Commandment of God.

"(Signed) Dr. Hilfrich" (615-PS).

Nevertheless, the killings in these institutions continued year after year. This is shown by a certified copy of the charge, specifications, and findings of the U.S. Military Commission at Wiesbaden, against the individuals who operated the Hadamar Sanitarium, where many Russians and Poles were done away with. In this particular proceeding, seven defendants were charged with the murder in 1944 and 1945 of 400 persons of Polish and Russian nationality. Three of the defendants were sentenced to be hanged; the other four were sentenced to confinement at hard labor (3592-PS).

But the murdering in Hadamar was only part of a systematic program. The official report of the Czechoslovak War Crimes Commission, entitled "Detailed Statement on the Murdering of Ill and Aged People in Germany," shows that Frick was one of the originators of the secret law of 1940, which authorized the killing of sick and aged persons and under which the Hadamar "murder mill" was operated until 1945. The first 3 paragraphs of that report read as follows:

"1. The murdering can be traced back to a secret law which was released some time in the summer of 1940.

"2. Besides the Chief Physician of the Reich, Dr. L. Conti, the Reichsfuehrer SS Himmler, the Reichsminister of the Interior Dr. Frick, as well as other men, the following participated in the introduction of this secret law * * *

"3. As I have already stated, there were—after careful calculation—at least 200,000 mainly mentally deficient, imbeciles, besides neurological cases and medically unfit people—these were not only incurable cases—and at least 75,000 aged people." (1556-PS).

Thus, Frick bears full responsibility for the systematic killing of the "unproductive eaters," for whom the Nazi war machine had no use.

(4) *Oppression in Bohemia and Moravia.* The final phase of Frick's criminal activities began with his appointment as Protector in Bohemia and Moravia, on 20 August 1943 (3086-PS).

His authority was clearly defined in a Secret Decree issued on 29 August 1943. That Decree provided that the Reich Protector was "the representative of the Fuehrer in his capacity as Chief of State." In addition to this over-all authority, Frick was given jurisdiction "to confirm the members of the government of the Protectorate, to appoint, dismiss and retire the German civil servants in the Protectorate." He was given full power "to grant

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pardons and to quash proceedings in all cases except in cases before the Military and SS Police Courts" (1366-PS).

These broad powers establish the clear responsibility of Frick for the crimes committed in the Protectorate under his administration during the last 20 months of the War. As representative of the Fuehrer in the Protectorate, he covered these criminal acts with Hitler's name and absolute power.

As a single example of these crimes, reference may be made to Supplement 6 to the official Czechoslovak Report on German Crimes Against Czechoslovakia:

"During the tenure of office of defendant Wilhelm Frick as Reich Protector of Bohemia and Moravia from August 1943 until the liberation of Czechoslovakia in 1945, many thousands of Czechoslovak Jews were transported from the Terezin ghetto in Czechoslovakia to the concentration camp at Oswieczim (Auschwitz) in Poland and were there killed in the gas chambers." (3589-PS).

Frick was also fully responsible for the multiple and notorious miscarriages of justice by which the population of the Protectorate was systematically persecuted and oppressed. His failure to correct these miscarriages of justice through the exercise of his right to grant pardons and to quash legal proceedings is tantamount to a confirmation of the cruel and illegal sentences imposed upon the inhabitants of the Protectorate (1556-PS; 3589-PS).

Frick's specific responsibility on these counts must be added to the over-all responsibility which he bears because of the fact that he was in power as Reich Protector while such Crimes against Humanity were committed against the population of Bohemia and Moravia (3443-PS).

H. CONCLUSION.

Frick, who joined the Nazi conspiracy at its early beginning, played within the conspiracy the role of expert administrator and coordinator of State and Party affairs. Misusing his governmental positions in the pre-Hitler era, he gave aid and protection to the conspirators when they were still weak. He supported them in their first attempt to come into power by force, expecting to gain high office from their success. He was the first to carry their revolutionary program from the Beer Hall to the Reichstag Rostrum. As their earliest important office-holder (in Thuringia), he developed for the first time their totalitarian and terroristic methods of political and intellectual control.

Upon the accession to power of the Nazi conspirators on 30 January 1933, Frick took over the vital Ministry of Interior. From this position he directed the realization of the entire domestic program of the conspiracy. He took complete charge of the successive destruction of the parliamentary system, of autonomous State and local government, and of the career civil service. He planned and executed the measures which subjected the government itself to the domination of the Nazi Party. He then proceeded to establish a huge Reich Police Force under Himmler, which became the instrument with which the Nazi conspirators terrorized and ultimately "liquidated" all opposition inside and outside Germany in concentration and extermination camps.

In order to give the semblance of law to the criminal acts of the conspirators, Frick drafted legislation to withdraw constitutional protection from the rights and liberties which they had determined to wipe out. He participated in the relentless and violent persecution of all persons and groups who were considered as actual or potential opponents of the conspirators' plans. Among these were the churches, the free trade unions, and especially the Jews.

Having secured absolute control over Germany for the conspirators, Frick proceeded to bring the German people and State into readiness for the wars of aggression planned by the conspirators. He established the system of military and labor service on which the *Wehrmacht* was to rest. He took over the planning of Germany's civilian wartime administration, which was to back it up. In this capacity he organized and supervised the killing of the useless eaters, the insane, crippled, aged, and such foreign forced laborers who were no longer able to work.

As the Nazi conspirators began to achieve their predatory aims, Frick was active in the coordination of the administration of the territories and peoples which fell into Nazi hands. He presided over the annexation of territories and the denationalization of their inhabitants in violation of the Hague Conventions. When the conspirators were ready to proceed to the realization of their ultimate goals, especially the complete enslavement and annihilation of conquered populations, Frick devised the basic legislation for their disfranchisement and finally took personal charge of one of the oppressed nations, Czechoslovakia.

Thus, Frick was one of the principal artisans of the conspiracy throughout its course. His contribution to its progress was essential in all its phases, and decisive in many. He nurtured the conspiracy, directed its followers, terrorized its opponents, and destroyed its victims.

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I. POSITIONS HELD BY FRICK.

(1) Between 1932 and 1945 Frick held the following positions:

(a) Member of the Nazi Party, 1925-1945 (3127-PS).

(b) *Reichsleiter* (Member of the Party Directorate) in his capacity as *Fraktionsfuehrer* (Floorleader) of NSDAP in the Reichstag.

(c) Member of the Reichstag, 7 December 1924-1945.

(d) Reich Minister of the Interior, 30 January 1933-20 August 1943 (2381-PS; 3086-PS).

(e) Prussian Minister of the Interior, 1 May 1934-20 August 1943 (3132-PS; 3086-PS).

(f) Reich Director of Elections, 30 January 1933-20 August 1943 (3123-PS; 3086-PS).

(g) General Plenipotentiary for the Administration of the Reich, 21 May 1935-20 August 1943 (2978-PS; 3086-PS).

(h) Head of the Central Office for the Reunification of Austria and the German Reich (2307-PS; 1060-PS; 3123-PS).

(i) Director of the Central Office for the Incorporation of Sudetenland, Memel, Danzig, the Eastern Incorporated Territories, Eupen, Malmedy, and Moresnot (3076-PS; 3077-PS).

(j) Director of the Central Office for the Protectorate of Bohemia, Moravia, the Government General, Lower Styria, Upper Carinthia, Norway, Alsace, Lorraine, and all other occupied territories (2119-PS; 3123-PS).

(k) Reich Protector for Bohemia and Moravia, 20 August 1943-1945 (3086-PS).

(2) Between 1917 and 1945, Wilhelm Frick held the additional following positions:

(a) Chief of the Criminal (later the Political) Division of the Munich Police Department, 1917-1923 (2381-PS).

(b) *Fraktionsfuehrer* (Floorleader) of the NSDAP in the Reichstag, 1927-1945 (2381-PS).

(c) Minister of the Interior and of Education of the Free State of Thuringia, 23 January 1930-1 April 1931 (2381-PS).

(d) Member of the Reich Defense Council, 21 May 1935-20 August 1943 (2978-PS).

(e) Member of the Ministerial Council for the Defense of the Reich, 30 August 1939-20 August 1943 (2018-PS).

(f) Reich Minister without Portfolio, 20 August 1943-1945 (3086-PS).

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	<p style="text-align: center;">—————</p> <p>Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.</p> <p style="text-align: center;">—————</p>		
*374-PS	TWX Series of Orders signed by Heydrich and Mueller, issued by Gestapo Headquarters Berlin, 9-11 November 1938, concerning treatment of Jews. (USA 729)....	III	277
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10. JULIUS STREICHER

Through his words and his deeds Julius Streicher assumed for himself the unofficial title of "Jew-baiter Number One" of Nazi Germany. For the course of some twenty-five years, Streicher educated the German people in hatred and incited them to the persecution and to the extermination of the Jewish race. He was an accessory to murder, on a scale perhaps never attained before.

A. STREICHER'S CAREER AND POSITIONS.

Streicher was born in 1885. He became a school teacher in Nurnberg and formed a party of his own, which he called the German Socialist Party. The chief policy of that party was anti-semitism. In 1922 he handed over his party to Hitler, who wrote a glowing account of Streicher's generosity in *Mein Kampf* (M-3).

The appointments which Streicher held in the Party and state were few. From 1921 until 1945, he was a member of the Nazi Party. In 1925 he was appointed Gauleiter of Franconia, and he remained as such until about February 1940. From the time

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that the Nazi government came into power in 1933 until 1945 he was a member of the Reichstag. In addition to that, he held the title of Obergruppenfuehrer in the SA (2975-PS).

The propaganda which Streicher carried out throughout those years was chiefly done through the medium of his newspapers. He was the editor and publisher of "*Der Stuermer*" from 1922 until 1933, and thereafter the publisher and owner of the paper. In 1933 he also founded and thereafter published a daily newspaper called the "*Fraenkische Tageszeitung*."

In addition, in later years he published several other papers, mostly local journals, from Nurnberg.

B. STREICHER'S PART IN THE REMOVAL OF OPPOSITION THROUGH ANTI-JEWISH PROPAGANDA AND INCITEMENT.

The course of Streicher's incitement and propaganda may be traced more or less in chronological order by referring to short extracts from "*Der Stuermer*." The extracts which follow were selected at random. They were selected with a view to showing the various methods which Streicher employed to incite the German people against the Jewish race, but his newspapers are crowded with them, week after week, day after day. It is impossible to pick up any copy without finding the same kind of invective and incitement in the headlines and in the articles.

In a speech which Streicher made in 1922 in Nurnberg, after abusing the Jews in the first paragraph, he went on to say:

"We know that Germany will be free when the Jew has been excluded from the life of the German people." (M-11).

In a speech in 1924 he stated:

"I beg you and particularly those of you who carry the cross throughout the land to become somewhat more serious when I speak of the enemy of the German people, namely, the Jew. Not out of irresponsibility or for fun do I fight against the Jewish enemy, but because I bear within me the knowledge that the whole misfortune was brought to Germany by the Jews alone.

"I ask you once more, what is at stake today? The Jew seeks domination not only among the German people but among all peoples. The communists pave the way for him. Do you not know that the God of the Old Testament orders the Jews to consume and enslave the peoples of the earth?

"The government allows the Jew to do as he pleases. The people expect action to be taken. You may think about

Adolf Hitler as you please, but one thing you must admit. He possessed the courage to attempt to free the German people from the Jew by a national revolution. That was action indeed." (M-12).

In a speech in April 1925 Streicher declared:

"You must realize that the Jew wants our people to perish. That is why you must join us and leave those who have brought you nothing but war, inflation, and discord. For thousands of years the Jew has been destroying the nations. Let us make a new beginning today so that we can annihilate the Jews." (M-13).

This appears to be the earliest expression of one of the conspirators' primary objectives—the annihilation of the Jewish race. Fourteen years later it became the official policy of the Nazi Government.

In April 1932 Streicher made the following statement:

"For 13 years I have fought against Jewry."

* * * * *

"We know that the Jew whether he is baptized as a Protestant or as a Catholic, remains a Jew. Why cannot you realize, you Protestant clergymen, you Catholic priests, you who have scales before your eyes and serve the god of the Jews who is not the God of Love but the God of Hate. Why do you not listen to Christ, who said to the Jews, 'You are children of the devil'." (M-14).

(1) *The Anti-Jewish Boycott of 1933.*

When the Nazi Party came to power, they officially started their campaign against the Jews by the boycott of 1 April 1933. The boycott was agreed on and approved by the whole government, as appears from Goebbel's diary (2409-PS).

Streicher was appointed the chairman of the central committee for the organization of that boycott. He started his work on Wednesday, 29 March (2156-PS).

On that same day the central committee issued a proclamation announcing that the boycott would start on Saturday at 10:00 AM sharp:

"Jewry will realize whom it has challenged." (M-7).

On 30 March, two days before the boycott was due to start, an article was published under the title, "Defeat the Enemy of the World!—by Julius Streicher, official leader of the central committee to combat the Jewish atrocity and boycott campaign" (2153-PS). The article stated, in part:

"Jewry wanted this battle. It shall have it until it realizes

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that the Germany of the brown battalions is not a country of cowardice and surrender. Jewry will have to fight until we have won victory.

"National Socialists! Defeat the enemy of the world. Even if the world is full of devils, we shall succeed in the end." (2153-PS).

As head of the central committee for that boycott, Streicher outlined in detail the organization of the boycott in orders which the committee published on 31 March 1933 (2154-PS). The committee stressed that no violence should be employed against the Jews during the boycott, but not for humanitarian reasons. The order was issued because, if no violence were employed, Jewish employers would have no grounds for discharging their employees without notice, and for refusing to pay them any wages. The Jews were also reported, apparently, to be transferring businesses to German figureheads in order to alleviate the results of this persecution; accordingly the committee declared that any property so transferred was to be considered as Jewish for the purpose of the boycott (2154-PS).

It is therefore clear that early in 1933 Streicher was taking a leading part, as appointed by the Government, in the persecution against the Jews.

Further extracts from Streicher's newspapers illustrate the form which his propaganda developed as the years went on. An article in the New Year's issue of a new paper founded and edited by Streicher—a semimedical paper called "The People's Health Through Blood and Soil"—is an example of the remarkable lengths to which he went in propagandizing against the Jews:

"It is established for all eternity; alien albumen is the sperm of a man of alien race. The male sperm in cohabitation is partially or completely absorbed by the female, and thus enters her bloodstream. One single cohabitation of a Jew with an Aryan woman is sufficient to poison her blood forever. Together with the alien albumen she has absorbed the alien soul. Never again will she be able to bear purely Aryan children, even when married to an Aryan. They will all be bastards, with a dual soul and a body of a mixed breed. Their children will also be crossbreeds; that means, ugly people of unsteady character and with a tendency to illnesses. Now we know why the Jew uses every artifice of seduction in order to ravish German girls at as early an age as possible; why the Jewish doctor rapes his patients while they were under anaesthetic. He wants the German

girl and the German woman to absorb the alien sperm of the Jew. She is never again to bear German children. But the blood products of all animals right down to the bacteria like the serum, lymph, extracts from internal organs etc., are all alien albumen. They have a poisonous effect if directly introduced into the blood stream either by vaccination or by injection. By these products of sick animals the blood is ravished, the Aryan is impregnated with an alien species. The author and abettor of such action is the Jew. He has been aware of the secrets of the race question for centuries, and therefore plans systematically the annihilation of the nations which are superior to him. Science and authorities are his instruments for the enforcing of pseudo-science and the concealment of truth." (M-20).

At the beginning of 1935, the following extract, entitled "The Chosen People of the Criminals," appeared in "*Der Stuermer*":

" * * * and all the same, or, let us say, just because of this, the history book of the Jews, which is usually called the Holy Scriptures, impresses us as a horrible criminal romance, which makes the 150 penny-dreadfuls of the British Jew, Edgar Wallace, go green with envy. This 'holy' book abounds in murder, incest, fraud, theft, and indecency." (2697-PS).

In a speech on 4 October 1935 (the month following the proclamation of the Nurnberg Decrees) Streicher made a speech which is reported in the *Voelkischer Beobachter* and is entitled in that newspaper "Safeguard of German Blood and German Honor." The report in that article reads in part:

"Gauleiter Streicher speaks at a German Labor Front mass demonstration for the Nurnberg laws."

* * * * *

"We have therefore, to unmask the Jew, and that is what I have been doing for the past fifteen years." (M-34).

In a leading article in "*Der Stuermer*" Streicher again emphasized the part which he himself had taken in this campaign:

"The 'Stuermer's' 15 years of work of enlightenment has already led an army of those who know—millions strong—to National Socialism. The continued work of the 'Stuermer' will help to ensure that every German down to the last man will, with heart and hand, join the ranks of those whose aim it is to crush the head of the serpent Pan-Juda beneath their heels. He who helps to bring this about helps to eliminate the devil, and this devil is the Jew." (M-6).

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The extraordinary length to which Streicher went in his propaganda is illustrated by the publication in "*Der Stuermer*" of a photograph of the burning hull of the airship "Hindenburg," which caught fire in June 1937 in America. The caption beneath the picture includes the comment:

"The first radio picture from the United States of America shows quite clearly that a Jew stands behind the explosion of our airship Hindenburg. Nature has depicted clearly and quite correctly that devil in human guise."

Although it is not clear from that photograph, the meaning of that comment is apparently that the cloud of smoke in the air is in the shape of a Jewish face.

In a speech in September 1937 at the opening of the Wilhelm Gustloff bridge in Nurnberg, Streicher declared:

"The man who murdered Wilhelm Gustloff had to come from the Jewish people, because the Jewish text books teach that every Jew has the right to kill a non-Jew, and, indeed, that it is pleasing to the Jewish God to kill as many non-Jews as possible.

"Look at the way the Jewish people have been following for thousands of years past; everywhere murder, everywhere mass murder. Neither must we forget that behind present-day wars there stands the Jewish financier who pursues his aims and interests. The Jew always lives on the blood of other nations; he needs such murder and such victims. For us who know, the murder of Wilhelm Gustloff is the same as ritual murder."

* * * * *

"It is our duty to tell the children at school and the bigger ones what this memorial means."

* * * * *

"The Jew no longer shows himself among us openly as he used to. But it would be wrong to say that victory is ours. Full and final victory will have been achieved only when the whole world has been rid of Jews." (M-4).

Extracts from the correspondence columns of "*Der Stuermer*," show another method which Streicher employed in his propaganda (M-26; M-27; M-28). The correspondence columns of every issue are full of purported "letters" from Germans protesting that some German has been buying shoes from a Jewish shop, etc., thus by printing these letters assisting in the general boycott of the Jews.

(2) "Ritual Murder" Propaganda.

Another form of propaganda employed by Streicher concerned the "Ritual Murder." Sometime in 1934 "*Der Stuermer*" began publishing accounts of Jewish ritual murder which horrified the whole world to such an extent that even the Archbishop of Canterbury, together with people from every country in the world, protested that any government should allow such matter to be published in their national newspapers.

Streicher based his ritual murder propaganda on a medieval belief that during their Eastertide celebrations the Jews were in the habit of murdering Christian children. Streicher misrepresented this medieval belief to make it appear that not only was this done in the Middle Ages, but that the Jews are still doing it and still want to do it. A few passages from "*Der Stuermer*" together with descriptions of photographs published therein will illustrate the type of propaganda that Streicher was putting out concerning "ritual murder":

"This the French front-line soldier should take with him to France: The German people have taken a new lease of life. They want peace, but if anyone tries to attack them, if anyone tries to torture them again, if anyone tries to push them back into the past, then the world would see another heroic epic; then heaven will decide where righteousness lies—here, or where the Jew has the whipland and where he instigates massacres, one could almost say the biggest ritual murders of all times. If the German people are to be slaughtered according to the Jewish rites, the whole world will be thus slaughtered at the same time."

* * * * *

"As you have drummed morning and evening prayers into your children's heads, so now drum this into their heads, so that the German people may gain the spiritual power to convince the rest of the world which the Jews desire to lead against us." (M-2).

A photograph published in "*Der Stuermer*" in April 1937 purports to show three Jews ritually murdering a girl by cutting her throat, with the blood pouring out into a bucket on the ground. The caption underneath that photograph is as follows:

"Ritual murder at Polna. Ritual murder of Agnes Hruza by the Jews Hilsner, Erdmann, and Wassermann, taken from a contemporary postcard."

Another article in "*Der Stuermer*", in April 1937, describes what is alleged to happen when ritual murder takes place, and the blood is mixed with the bread and drunk by the Jews in their

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feast. During the feast the head of the family is supposed to explain:

"May all gentiles perish—as the child whose blood is contained in the bread and wine." (2699-PS).

An article in "*Der Stuermer*" for July 1938 has these further remarks to make on "ritual murder":

"Whoever had the occasion to be an eye-witness during the slaughtering of animals or to see at least a truthful film on the slaughtering will never forget this horrible experience. It is atrocious. And unwillingly, he is reminded of the crimes which the Jews have committed for centuries on men. He will be reminded of the ritual murder. History points out hundreds of cases in which non-Jewish children were tortured to death. They also were given the same incision through the throat as is found on slaughtered animals. They also were slowly bled to death while fully conscious." (2700-PS).

On special occasions, or when Streicher had some particular subject matter to put before Germany, he was in the habit of issuing special editions of "*Der Stuermer*." "Ritual murder" was such a special subject that he issued one of these special editions dealing solely with it, in May 1939. One of the photographs published in this issue shows a child having knives stuck into its side, from which blood is spurting; and below the pedestal on which the child stands are five presumably dead children bleeding on the ground. The caption beneath that picture reads as follows:

"In the year 1476 the Jews in Regensburg murdered six boys. They drew their blood and tortured them to death in an underground vault which belongs to the Jew Josfel. The judges found the body of the murdered boys; and blood stains are on an altar."

Two other pictures are explained by their captions. One reads: "For the Jewish New Year celebrations in 1913, World Jewry published this picture. On the Jewish New Year and on the Day of Atonement the Jews slaughtered a so-called 'kapore's' cock; that is to say, dead cock, whose blood and death is intended to purify the Jews. In 1913 the 'kapore's' cock had the head of the Russian Czar Nicholas II. By publishing this postcard the Jews intended to say that Nicholas II would be their next purifying sacrifice. On the 6th of July 1918, the Czar was murdered by the Jews Jurowsky and Goloschtschekin."

The other picture shows the Jews holding a similar bird:

" * * * the 'kapore's' cock which has the head of the

Fuehrer. The Hebrew script says that one day Jews will kill all Hitlerites. Then the Jews will be delivered from all misfortunes, but in due course the Jews will realize that they have reckoned without an Adolf Hitler.

In addition to reproductions of a number of previous articles on "ritual murder" beneath a picture of Streicher, another picture bears the caption:

"At the Passover Meal. The wine and Matzoh, unleavened bread, contains non-Jewish blood. The Jew prays before the meal. He prays for death to all non-Jews."

The fifth page of this same issue reproduces some of the European and American newspaper articles and letters protesting against this propaganda on "ritual murder." Among these is the "Stuermer's" answer to the letter from the Archbishop of Canterbury, written to the editor of the London *Times* in protest (M-10).

Page 6 contains another picture of a man having his throat cut; again the usual spurt of blood falling into a basin on the floor, with the following caption:

"The ritual murder of the boy Heinrich. In the year 1345 the Jews in Munich slaughtered a non-Jewish boy. The martyr was declared holy by the church."

On page 8 appears another picture entitled:

"The Holy Gabriel. This boy was crucified and tortured to death by the Jews in the year 1690. The blood was drawn off him."

Page 11 reproduces a piece of sculpture on the wall of the Wallfahrts Chapel, representing the ritual murder of a boy named Werner. The picture shows the boy strung up by his feet and being murdered by two Jews. Page 12 reproduces another picture taken from the same place. The caption is:

"The embalmed body of Trient who was tortured to death by the Jews."

Page 13 contains another picture; somebody else having a knife stuck into him; more blood coming out into a basin. On page 14 are two pictures. One is said to show the ritual murder of the boy Andreas. The other is the picture of a tombstone, and the caption reads as follows:

"The tombstone of Hilsner. This is the memorial to a Jewish ritual murderer, Leopold Hilsner. He was found guilty of two ritual murders and was condemned to death by hanging in two trials. The emperor was bribed and pardoned him. Masaryk, the friend of the Jews, liberated him

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from penal servitude in 1918. On his tombstone lying Jewry calls this twofold murderer an innocent victim."

The next page produces yet another picture of a woman being murdered by having her throat cut in the same way. Page 17 produces a picture of the Archbishop of Canterbury together with a picture of an old Jewish man, with a caption reading:

"Dr. Lang, the Archbishop of Canterbury, the highest dignitary of the English Church, and his allies, a typical example of the Jewish Race."

The last page contains a picture of "Holy Simon, who was tortured to death."

This issue of "*Der Stuermer*" is nothing but an incitement to the people of Germany who read it, an incitement to murder. It is filled with pictures of murder, murder alleged to be against the German people. It is an encouragement, to all who read it to avenge themselves in the same way.

In January 1938 the persecution of the Jews became more and more severe—another special issue of "*Der Stuermer*" was published. A passage from the leading article in that issue written by Streicher, states:

" * * * The supreme aim and highest task of the state is therefore to conserve people, blood, and race. But if this is the supreme task, any crime against this law must be punished with the supreme penalty. '*Der Steurmer*' takes therefore the view that there are only two punishments for the crime of polluting the race:

- "1. Penal servitude for life for attempted race pollution.
- "2. Death for committing race pollution." (M-39).

The following are some of the headlines on the articles contained in that edition:

"Jewish race polluters at work."

* * * * *

"Fifteen year old non-Jewess ravaged."

* * * * *

"A dangerous race polluter. He regards German women as fair game for himself."

* * * * *

"The Jewish sanatorium. A Jewish institution for the cultivation of race pollution."

* * * * *

"Rape of a feeble-minded girl."

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"The Jewish butler. He steals from his Jewish masters and commits race pollution." (M-40).

Another article appearing in "*Der Stuermer*," written by Streicher's editor, Karl Holz, states:

"The revenge will break loose one day and will exterminate Jewry from the surface of the earth." (M-35).

Again, in September 1938, "*Der Stuermer*" published an article describing the Jews as follows:

"A parasite, an enemy, an evil-doer, a disseminator of diseases who must be destroyed in the interest of mankind." (M-36).

This is no longer propaganda for the persecution of the Jews; this is propaganda for the extermination of Jews, and for the murder not of one Jew but of all Jews (see 2698-PS).

A picture published in "*Der Stuermer*" in December 1938 shows a girl being strangled by a man whose hands are around her neck. The shadow of the man's face, which is shown against the background, has quite obvious Jewish features. The caption under that picture is as follows:

"Castration for Race Polluters. Only heavy penalties will preserve our womenfolk from a tighter grip from ghastly Jewish claws. The Jews are our misfortune."

(3) *The Anti-Jewish demonstrations of November 1938.*

While his anti-Jewish propaganda was becoming constantly fiercer, Streicher took a leading part in the organized demonstrations against the Jews which took place on 9 and 10 November 1938. In the autumn of that year, on the occasion of a meeting of press representatives in Nurnberg, Streicher organized the breaking-up of the Nurnberg synagogues. It was announced that Streicher personally would set the crane in motion with which the Jewish symbols would be torn down from the synagogues (1724-PS). The event was described as follows:

" * * * the synagogue is being demolished! Julius Streicher himself inaugurates the work by a speech lasting more than an hour and a half. By his order—so to speak as a prelude of the demolition—the tremendous Star of David came off the cupola." (2711-PS).

Streicher took active part in the November demonstrations of that year, particularly in his *Gau* of Franconia. The Nurnberg demonstrations were reported as follows in the "*Fraenkische Tageszeitung*," which was Streicher's paper, on 11 November:

" * * * In Nurnberg and Furth it resulted in demonstrations by the crowd against the Jewish murders. These lasted until the early hours of the morning. Far too long had one watched the activities of the Jews in Germany."

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"After midnight the excitement of the populace reached its peak and a large crowd marched to the synagogues in Nurnberg and Furth and burned these two Jewish buildings, where the murder of Germans had been preached.

"The fire-brigades, which had been notified immediately, saw to it that the fire was continued to the original outbreak. The windows of the Jewish shopkeepers, who still had not given up hope of selling their junk to the stupid Goims, were smashed. Thanks to the disciplined behavior of the SA men and the police, who had rushed to the scene, there was no plundering." (M-42).

On 10 November, the day of the demonstrations, Streicher made a speech stating in part as follows:

"From the cradle, the Jew is not being taught, like we are, such texts as, 'Thou shalt love thy neighbor as thyself,' or 'If you are smitten on the left cheek, offer then your right one.' No, he is told: 'With the non-Jew you can do whatever you like.' He is even taught that the slaughtering of a non-Jew is an act pleasing to God. For 20 years we have been writing about this in '*Der Stuermer*'; for 20 years we have been preaching it throughout the world and we have made millions recognize the truth."

* * * * *

"The Jew slaughtered in one night 75,000 people; when he emigrated to Egypt he killed all the first-born, i.e. a whole future generation of Egyptians. What would have happened if the Jew had succeeded in driving the nations into war against us, and if we had lost the war? The Jew protected by foreign bayonets, would have fallen on us and would have slaughtered and murdered us. Never forget what history has taught us." (M-41)

After the November 1938 demonstrations, irregularities occurred in the Gau of Franconia in connection with the organized Aryanization of Jewish property. Aryanization of Jewish property was regulated by the Nazi State, which had decreed that the proceeds of the transfer of Jewish properties to Aryans were to go to the State. In Streicher's Gau of Franconia, however, a good deal of the proceeds never found their way as far as the State. As a result Goering set up a commission to investigate what had taken place. The report of that commission (1757-PS) describes what had been taking place in Streicher's Gau:

"* * * Following upon the November demonstrations the Deputy Gauleiter, Holz, took up the Jewish questions. His

reasons can be given here in detail on the basis of his statement of the 25th of March, 1939:

"The 9th and 10th of November 1938.

"In the night of the 9th and 10th November and on the 10th of November 1938, events took place throughout Germany which I [Holz] considered to be the signal for a completely different treatment of the Jewish question in Germany. Synagogues and Jewish schools were burnt down and Jewish property was smashed both in shops and in private houses. Besides this, a large number of particular Jews were taken to concentration camps by the police. Toward midday we discussed these events in the Gauleiter's house. All of us were of the opinion that we now faced a completely new state of affairs on the Jewish question. By the great action against the Jews, carried out in the night and morning of the 10th of November, all guiding principles and all laws on the subject had been made illusory. We were of the opinion (particularly myself) that we should now act on our own initiative in this respect. I proposed to the Gauleiter that in view of the great existing lack of housing, the best thing would be to put the Jews into a kind of internment camp. Then the houses would become free in a twinkling, and the housing shortage would be relieved, at least in part. Besides that, we would have the Jews under control and supervision. I added 'The same thing happened to our prisoners of war and war internees.' The Gauleiter said that this suggestion was for the time being impossible to carry out. Thereupon I made a new proposal to him. I said that I considered it unthinkable that, after the Jews had had their property smashed, they should continue to be able to own houses and land. I proposed that these houses and this land ought to be taken away from them, and declared myself ready to carry through such an action. I declared that by the Aryanization of Jewish land and houses a large sum could accrue to the Gau out of the proceeds. I named some million of marks. I stated that, in my opinion, this Aryanization could be carried out as legally as the Aryanization of shops. The Gauleiter's answer was something to this effect: 'If you think you can carry this out, do so. The sum gained will then be used to build a Gau school.'"

* * * * *

"The Aryanization was accomplished by the alienation of

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properties, the surrender of claims, especially mortgage claims, and reductions in buying price.

"The payment allowed the Jews was basically 10% of the nominal value or nominal sum of the claim. As a justification for these low prices, Holz claimed at the Berlin meeting of the 6th of February 1939, that the Jews had mostly bought their property during the inflation period for a tenth of its value. As has been shown by investigating a large number of individual cases selected at random, this claim is not true."
(1757-PS)

The second part of this report, which contains the findings of the commission, reads in part as follows:

"* * * Gauleiter Streicher likes to beat people with a riding whip but only if he is in the company of several persons assisting him. Usually the beatings are carried out with sadistic brutality.

"The best known case is that of Steinruck, whom he beat bloodily in the prison cell, together with Deputy Gauleiter Holz and SA Brigadier General Koenig. After returning from this scene to the *Deutscher Hof* he said: 'Now I am relieved. I needed that again!' Later he also stated several times that he needed another Steinruck case in order to 'relieve' himself.

"In August 1938, he beat Editor Burkner at the District House together with District Office Leader Schoeller and his Adjutant Koenig.

"On the 2nd of December 1938 he asked to have three youthful criminals (15 to 17 years old) who had been arrested for robbery brought to the room of the director of the Criminal Police Office in Nurnberg-Furth. Streicher, who was accompanied by his son, Lothar, had the youths brought in singly and question them about their sex life and in particular, through clear and detailed questioning, he laid stress on determining whether and since when they masturbated. * * *

"* * * The last one of these three boys he beat with his riding whip, with blows on the head and on the rest of the body." (1757-PS)

A later passage shows the authority and power which Streicher held in his Gau:

"According to reports of reliable witnesses Gauleiter Streicher is in the habit of pointing out on the most varied occasions that he alone gives orders in the district of Franconia. For instance, at a meeting in the Colosseum in Nurn-

berg in 1935 he said that nobody could remove him from office. In a meeting at Herkules Hall, where he described how he had beaten Professor Steinruck, he emphasized that he would not let himself be beaten by anybody, not even by an Adolf Hitler.

"For, this also must be stated here, in Franconia the Gau acts first and then orders the absolutely powerless authorities to approve." (1757-PS)

That report shows the kind of treatment and persecution which the Jews were receiving in the Gau over which Streicher ruled. It further shows the absolute authority with which Streicher acted in his district.

As a result either of that investigation or of some other matter, Streicher was relieved of his position as Gauleiter in February 1940, but he did not cease from propaganda or from control of his newspaper. In an article written in "*Der Stuermer*," on 4 November 1943, Streicher declared:

"It is really the truth that the Jews, so to speak, have disappeared from Europe and that the Jewish reservoir of the East, from which the Jewish plague has for centuries beset the peoples of Europe, has ceased to exist. However, the Fuehrer of the German people at the beginning of the war prophesied what has now come to pass." (1965-PS).

That article, signed by Streicher, shows that he had knowledge of the Jewish exterminations which were going on in the East. Streicher's article was written in November 1943. In April 1943 the Warsaw ghetto was destroyed. Between April 1942 and April 1944 more than 1,700,000 Jews were killed in Auschwitz and Dachau. It seems clear from this article that Streicher knew what was happening, perhaps not the details, but the fact that Jews were being exterminated.

(4) *Perversion of Youth.*

Streicher paid particular attention to the instruction and perversion of the children and youth of Germany. He was not content with inciting the German population. He started to poison the minds of the children at school at the earliest possible date. He continually emphasized the need for teaching children anti-semitism. In a speech as early as June 1925 Streicher said:

"I repeat, we demand the transformation of the school into a national German institution of education. If we let German children be taught by German teachers, then we shall have laid the foundations for the national German school. This national German school must teach racial doctrine."

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"We demand, therefore, the introduction of racial doctrine into the school." (M-30)

The "*Fraenkische Tageszeitung*" of 19 March 1934 reports Streicher's address at a girls' school at Preisslerstrasse:

"Then Julius Streicher spoke about his life and told them about a girl who at one time went to his school and who fell for a Jew and was finished for the rest of her life." (M-43)

Every summer in Nurnberg a youth celebration was held. At this pagan rite the youth of Nurnberg were rallied, organized, and incited, encouraged by Streicher. Streicher's speech to the Hitler Youth on the "Holy Mountain" near Nurnberg on 22 June 1935 contained the following statements:

"Boys and girls, look back to a little more than 10 years ago. A great war—the World War—had whirled over the peoples of the earth and had left in the end a heap of ruins. Only one people remained victorious in this dreadful war, a people of whom Christ said its father is the devil. That people had ruined the German nation in body and soul. Then Adolf Hitler, unknown to anybody, arose from among the people and became the voice which called to a holy war and battle. He cried to the people for everybody to take courage again and to rise and get a helping hand to take the devil from the German people, so that the human race might be free again from these people that have wandered about the world for centuries and millenia, marked with the sign of Cain.

"Boys and girls, even if they say that the Jews were once the chosen people, do not believe it, but believe us when we say that the Jews are not a chosen people. Because it cannot be that a chosen people should act among the peoples as the Jews do today." (M-1).

A report of Streicher's address to 2,000 children at Nurnberg at Christmas-time, 1936, states:

"'Do you know who the Devil is,' he asked his breathlessly listening audience. 'The Jew, the Jew,' resounded from a thousand children's voices." (M-44).

Streicher was not content with writing and talking. He issued a book for teachers, written by one Fink and published from the "*Der Stuermer*" offices, called "The Jewish Question and School Instruction." This book emphasizes the necessity of anti-semitic teaching in schools, and suggests ways in which the subject can be introduced and handled. The preface, written by Streicher, reads in part as follows:

"The National Socialist state brought fundamental changes into all spheres of life of the German people.

"It has also presented the German teacher with some new tasks. The National Socialist state demands that its teachers instruct German children in social questions. As far as the German people is concerned the racial question is a Jewish question. Those who want to teach the child all about the Jew must themselves have a thorough knowledge of the subject.

"Those who take to heart all that has been written with such feeling by Fritz Fink, who for many years has been greatly concerned about the German people, will be grateful for the creator of this outwardly insignificant publication." (M-46). The preface is signed by Julius Streicher, City of the Reich Party Rallies, Nurnberg, in the year 1937.

The introduction to this book reads as follows:

"Racial and Jewish questions are the fundamental problems of the National Socialist ideology. The solution of these problems will secure the existence of National Socialism and with this the existence of our nation for all time. The enormous significance of the racial question is recognized almost without exception today by all the German people. In order to attain this recognition our people had to travel through a long road of suffering.

"No one should be allowed to grow up in the midst of our people without this knowledge of the monstrous character and dangerousness of the Jew." (M-46).

A later passage in the book contains this statement:

"One who has reached this stage of understanding will inevitably remain an enemy of the Jews all his life and will instill this hatred into his own children." (M-46).

"*Der Stuermer*" also published some children's books. Although Streicher himself did not write the books, they were published from his publishing business, and they are on the same line of everything else published and issued from that business. Among these books was one entitled "Don't trust the Fox in the green meadow nor the Jew on his oath." It is a picture book for children. The pictures all depict Jews in an offensive light. And opposite each picture there is a little story. For instance, opposite one picture, which portrays an unpleasant-looking Jewish butcher cutting up meat, there appears the following comment:

"The Jewish butcher: he sells half refuse instead of meat. A piece of meat lies on the floor; the cat claws another. This doesn't worry the Jew butcher since the meat increases in

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weight. Besides one mustn't forget he won't have to eat it himself." (M-32).

The story opposite another picture reads as follows:

"Jesus Christ says 'The Jew is a murderer through and through'. And when Christ had to die the Lord didn't know any other people who would have tortured Him to death so he chose the Jews. That is why the Jews pride themselves on being the chosen people." (M-32).

Other pictures in this book portray: a girl being led away by an evil-appearing Jew; Streicher smiling benignly at a children's party, greeting the little children; children looking at copies of "*Der Stuermer*" posted on a wall; Jewish children being taken away from an Aryan school by an unpleasant-looking father, with all the Aryan children shouting and dancing and enjoying the fun very much (M-32).

Another book, called "The Poisonous Fungus," is very similar in character and appearance, and likewise calculated to poison the minds of readers. One of the pictures in this book shows a girl sitting in a Jewish doctor's waiting room. The story that goes with this picture is not a very pleasant story, but it is only by adverting to these matters that it becomes possible to believe the kind of education which German children received from Streicher.

The story reads as follows:

"Inge sits in the reception room of the Jew doctor. She has to wait a long time. She looks through the journals which are on the table. But she is much too nervous to read even a few sentences. Again and again she remembers the talk with her mother. And again and again her mind reflects on the warnings of her leader of the League of German Girls: 'A German must not consult a Jew doctor. And particularly not a German girl. Many a girl that went to a Jew doctor to be cured, found disease and disgrace!'

"When Inge had entered the waiting room, she experienced an extraordinary incident. From the doctor's consulting room she could hear the sound of crying. She heard the voice of a young girl: 'Doctor, doctor, leave me alone!'

"Then she heard the scornful laughing of a man. And then, all of a sudden, it became absolutely silent. Inge had listened breathlessly.

"'What may be the meaning of all this?' she asked herself and her heart was pounding. And again she thought of the warning of her leader in the League of German Girls.

"Inge was already waiting for an hour. Again she takes the

journals in an endeavor to read. Then the door opens. Inge looks up. The Jew appears. She screams. In terror she drops the paper. Horrified she jumps up. Her eyes stare into the face of the Jewish doctor. And this face is the face of the devil. In the middle of this devil's face is a huge crooked nose. Behind the spectacles two criminal eyes. And the thick lips are grinning, a grinning that expresses: 'Now I got you at last, you little German girl!'

"And then the Jew approaches her. His fleshy fingers stretch out after her. But now Inge has composed herself. Before the Jew can grab hold of her, she smacks the fat face of the Jew doctor with her hand. One jump to the door. Breathlessly Inge runs down the stairs. Breathlessly she escapes the Jew house." (1778-PS).

Another photograph shows youthful admirers standing around looking at Streicher's picture, with the following commentary:

"'Without a solution of the Jewish question there will be no salvation for mankind.' That is what he shouted to us. All of us could understand him. And when, at the end, he shouted '*Sieg Heil*' for the Fuehrer, we all acclaimed him with tremendous enthusiasm. For two hours Streicher spoke at that occasion. To us it appeared to have been but a few minutes." (1778-PS).

The effect of all this propaganda is evident from the columns of "*Der Stuermer*" itself. In April 1936 there was published a letter, which is typical of many others that appear in other copies from children of all ages. The third paragraph of this letter, signed by the boys and girls of the National Socialist Youth Hostel at Grossmuellen, reads:

"* * * Today we saw a play on how the devil persuades the Jew to shoot a conscientious National Socialist. In the course of the play the Jew did it too. We all heard the shot. We would have all liked to jump up and arrest the Jew. But then the policeman came and after a short struggle took the Jew along. You can imagine, dear Stuermer, that we heartily cheered the policeman. In the whole play not one name was mentioned, but we all knew that this play represented the murder by the Jew Frankfurter. We were very sick when we went to bed that night. None felt like talking to the others. This play made it clear to us how the Jew sets to work." (M-25).

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C. STREICHER'S USE OF HIS AUTHORITY AS GAULEITER IN THE SERVICE OF THE CONSPIRACY.

Streicher's authority as a Gauleiter was extensive. The Organization Book of the NSDAP for 1938 describes the duties and authority of Gauleiters as follows:

"The Gauleiter bears over-all responsibility for the Fuehrer for the sector of sovereignty entrusted to him. The rights, duties and jurisdiction of the Gauleiter result primarily from the mission assigned by the Fuehrer and, apart from that, from detailed direction." (1814-PS).

Streicher's association with the Fuehrer and other Nazi conspirators may also be seen from the newspapers. On the occasion of Streicher's 50th birthday, Hitler paid a visit to Nurnberg to congratulate him. The account of that meeting is published in the "*Voelkischer Beobachter*" of 13 February 1934 as follows:

"Adolf Hitler spoke to his old comrades in battle and to his followers in words which went straight to their hearts. By way of introduction he remarked that it was a special pleasure to be present for a short while in Nurnberg, the town of the National Socialist community which had been steeled in battle, at this day of honor of Julius Streicher, and to be within the circle of the standard bearers of the National Socialist idea during many years.

"Just as they, all of them, had during the years of oppression unshakeably believed in the victory of the movement, so his friend and comrade in the battle, Streicher, had stood faithfully at his side at all times. It had been this unshakeable belief that had moved mountains.

"For Streicher it would surely be a solemn thought, that this 50th anniversary meant not only the halfway point of a century, but also of a thousand years of German history to him. He had in Streicher a companion of whom he could say that here in Nurnberg was a man who would never waver for a single second and who would unflinchingly stand behind him in every situation." (M-8).

A letter from Himmler, published in "*Der Stuermer*" of April 1937, declared:

"If in future years the history of the reawakening of the German people is written, and if already the next generation will be unable to understand that the German people was once friendly to the Jews, it will be stated that Julius Streicher and his weekly paper '*Der Stuermer*' have contributed a great deal towards the enlightenment regarding the

enemy of humanity. "(Signed) For the Reichsfuehrer SS, Himmler." (M-22).

Finally, a letter from von Schirach, the Reich Youth Leader, published in "*Der Stuermer*" of January 1938, had this to say:

"It is the historical merit of '*Der Stuermer*' to have enlightened the broad masses of our people in a popular way as to the Jewish world danger. '*Der Stuermer*' is right in refusing to fulfill its task in the tone of the aesthetic drawing room. Jewry has shown no regard for the German people. We have, therefore, no cause to be considerate and to spare our worst enemy. What we fail to do today our youngsters of tomorrow will have to suffer for bitterly." (M-45).

D. CONCLUSION.

It may be that Streicher is less directly involved in the physical commission of the crimes against Jews than some of his coconspirators. The submission of the Prosecution is that his crime is no less worse for that reason. No government in the world, before the Nazis came to power, could have embarked upon and put into effect a policy of mass Jewish extermination in the way in which they did, without having a people who would back them and support them, and without having a large number of people who were prepared to carry out the murder themselves. (See Chapter XII on Persecution of the Jews.)

It was to the task of educating and poisoning the people with hate, and of producing murderers, that Streicher set himself. For 25 years he continued unrelentingly the perversion of the people and youth of Germany. He went on and on, as he saw the results of his work bearing fruit.

In the early days he was preaching persecution. As persecution took place he preached extermination and annihilation and, as millions of Jews were exterminated and annihilated, in the Ghettos of the East, he cried out for more and more.

The crime of Streicher is that he made these crimes possible, which they would never have been had it not been for him and for those like him. Without Streicher and his propaganda, the Kaltenbrunnners, the Himmlers, the General Stroops would have had nobody to do their orders.

In its extent Streicher's crime is probably greater and more far-reaching than that of any of the other defendants. The misery which they caused ceased with their capture. The effects of this man's crime, of the poison that he has put into the minds of millions of young boys and girls goes on, for he concentrated

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upon the youth and childhood of Germany. He leaves behind him a legacy of almost a whole people poisoned with hate, sadism, and murder, and perverted by him. That people remain a problem and perhaps a menace to the rest of civilization for generations to come.

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO JULIUS STREICHER

Document	Description	Vol.	Page
	<p>Charter of the International Military Tribunal, Article 6.....</p> <p>International Military Tribunal, Indictment Number 1, Section IV (H); Appendix A.....</p>	<p>I</p> <p>I</p>	<p>5</p> <p>29,66</p>
	<p>Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.</p>		
*1724-PS	Announcement in Press Conference, 4 August 1938, of breaking up of synagogue. (USA 266).....	IV	224
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*1778-PS	Book "The Poisonous Mushroom", published in Nurnberg 1938, concerning Jews. (USA 257).....	IV	358
*1814-PS	The Organization of the NSDAP and its affiliated associations, from Organization book of the NSDAP, editions of 1936, 1938, 1940 and 1943, pp. 86-88. (USA 328).....	IV	411
*1965-PS	Article by Streicher, 4 November 1943, published in Der Sturmer. (GB 176).....	IV	602
*2153-PS	Defeat the Enemy of the World, published in National Socialist Party Correspondence No. 358, 30 March 1933. (GB 166).....	IV	760
*2154-PS	Streicher decrees, published in National Socialist Party Correspondence, No. 359, 31 March 1933. (GB 167).....	IV	760
*2156-PS	Announcement of Central Committee for defense against Jewish horror and boycott agitation, 29 March 1933, published in National Socialist Party Correspondence No. 357. (USA 263).....	IV	761
*2409-PS	Extracts from The Imperial House to the Reich Chancellery by Dr. Joseph Goebbels. (USA 262).....	V	83
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*2975-PS	Article: "Symbolic Action", published in Fraenkische Tageszeitung-Nurnberg, 11 August 1938. (USA 267).....	V	376
*M-1	Streicher's affidavit, 19 November 1945, concerning positions held. (USA 9).....	V	681
*M-2	Speech by Julius Streicher to Hitler Youth on "Holy Mountain", 22 June 1935. (GB 178).....	VII	1115
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*M-12	Streicher's speech, 20 November 1924. (GB 165)	VIII	10
*M-13	Streicher's speech in Nurnberg, 3 April 1925. (GB 165)	VIII	11
*M-14	Streicher's speech in the Hercules Hall in Nurnberg, 21 April 1932. (GB 165)	VIII	11
*M-20	Article from 1935 New Year's issue of "German People's health from Blood and Soil". (GB 168)	VIII	12
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*M-25	Letter from Der Stuermer, April 1936, concerning the teachings to boys and girls of Jewish question. (GB 170; USA 861)	VIII	14
M-26	Article: "He calls himself a party member", from Der Stuermer, March 1936.	VIII	15
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*M-30	Speech by Julius Streicher in Bavarian Diet, 26 June 1925. (GB 165)	VIII	16
M-31	Editorial "The Approaching finale, The Prophecy of the Fuehrer", by Julius Streicher, published in Der Stuermer.	VIII	19
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*M-34	"100,000 demonstrate in Koenigsplatz against Jewish incitements to cruelty", from Muenchener Beobachter, 1-2 April 1933. (GB 329)	VIII	21
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*M-44	Streicher's address to young girls of vocational training centre, 19 March 1934, from Fraenkische Tageszeitung. (GB 177).....	VIII	28
*M-45	Report of Streicher's address to 2,000 children at Nurnberg at Christmas celebrations, from Fraenkische Tageszeitung, 22 December 1936. (GB 179).....	VIII	29
*M-46	Letter by von Schirach, published in Der Stuermer, January 1938. (USA 871).....	VIII	30
	Extracts from book: "Jewish Question and School Instruction", published in Der Stuermer, 1937. (GB 180).....	VIII	30

II. WALTER FUNK

A. FUNK ACTIVELY PROMOTED THE CONSPIRATORS' ACCESSION TO POWER.

A recital of Funk's positions and activities is set forth in a statement made by him (3533-PS). Although Funk signed this statement, he inserted several reservations and denials with respect to certain positions and activities. Funk's submissions in this connection, which are indicated in his statement (3533-PS) should be evaluated in the light of the statements set forth in the collection of relevant excerpts from German publications (3563-PS).

An examination of these excerpts will reveal that the German publications directly contradict every contention which Funk has made with respect to his holding the positions and carrying on the activities listed in his statement (3533-PS). For example, in his comment concerning item (b) of his statement Funk denies that he was Hitler's Personal Economic Adviser during the 1930's. On the other hand, there are four German publications, each of which states unequivocally that Funk *was* Hitler's Personal Economic Adviser (3563-PS).

As is indicated by these documents, Funk, soon after he joined the Nazi Party in 1931, began to hold important positions in the Party and soon qualified as one of the Nazi inner circle. Thus, he promptly became not only Hitler's Personal Economic Adviser, but also Chief of the Economic Division of the Central Nazi Party Directorate and Chairman of the Party's Committee on Economic Policy (3533-PS). In these capacities, he advanced the Party's drive for mass support by drafting its economic slogans. In 1932, for example, he wrote a pamphlet entitled "Economic Reconstruction Program of the NSDAP", which, after its approval by Hitler, became the Party's official pronouncement on economic matters (3505-PS).

Funk also served as the liaison man between the Nazi Party and the large industrialists, from whom he obtained financial and political support on Hitler's behalf (3505-PS; 2828-PS). Thus, for example, he was present at the meeting of approximately 25 leading industrialists held in Berlin on 20 February 1933 (2828-PS). In the course of this meeting, which was arranged by Goering and attended by Funk, among others, and which was designed to obtain the industrialists' financial and political support for the Nazi program, Hitler and Goering announced some of the fundamental Nazi objectives: the destruction of the parliamentary sys-

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tem in Germany; the crushing of all internal opposition by force, the restoration of the power of the *Wehrmacht*. In addition, Hitler indicated that force was to be used in solving problems with other nations (*D-203*). The financial and political support for the Nazis which Funk secured from industry promoted the campaign of force and terror by which the Nazis seized and consolidated their control of Germany.

The importance of Funk's general contribution to the conspirators' accession to power has been described in a book published by the Central Publishing House of the Nazi Party:

"No less important than Funk's accomplishments in the programmatic field in the years 1931 and 1932 was his activity of that time as the Fuehrer's liaison man to the leading men of the German economy in industry, trade, commerce and finance. On the basis of his past work, his personal relations to the German economic leaders were broad and extensive. He was now able to enlist them in the service of Adolf Hitler, and not only to answer their questions authoritatively, but to convince them and win their backing for the Party. At that time, that was terribly important work. Every success achieved meant a moral, political, and economic strengthening of the fighting force of the Party and contributed toward destroying the prejudice that National Socialism is merely a party of class hatred and class struggle." (*3505-PS*)

After he had helped Hitler become Chancellor, Funk, as Reich Press Chief, participated in the early cabinet meetings, in the course of which the conspirators determined upon the means by which they would secure the passage of the Enabling Act and destroy parliamentary government in Germany (*2962-PS; 2963-PS*). This law destroyed civil liberties in Germany and marked the conspirators' seizure of political control over Germany.

B. FUNK, BY VIRTUE OF HIS ACTIVITIES IN THE MINISTRY OF PROPAGANDA, ACTIVELY PARTICIPATED IN THE CONSOLIDATION OF THE CONSPIRATORS' CONTROL OVER GERMANY.

The Nazis created a vast propaganda machine which they used to proclaim the doctrine of the master race, to inveigh against the Jews, to impose the leadership principle upon the German people, to glorify war as a noble activity, to create the social cohesion necessary for war, and to weaken the capacity and willingness of their intended victims to resist aggression. (See

Section 9 of Chapter VII on Propaganda, Censorship and Supervision of Cultural Activities.)

The operation of this propaganda machine was principally the responsibility of the Ministry of Public Enlightenment and Propaganda. Funk played a significant role in the operations of that Ministry and in related agencies of the Nazi State. On 30 January 1933, the day on which Hitler became Reich Chancellor, Funk was appointed Press Chief of the Reich Government. In that capacity, and even after the establishment of the Ministry of Public Enlightenment and Propaganda, he reported regularly to Hitler and President von Hindenburg (3505-PS; 3501-PS).

On 13 March 1933, the Reich Ministry of Public Enlightenment and Propaganda was established with Goebbels as its Chief and Funk as its under-Secretary (2029-PS; *Voelkischer Beobachter* 15 March 1933, p. 2. (South German Edition)). In an interview with a reporter from the *Voelkischer Beobachter* on 30 March 1933, Funk made clear the importance which propaganda was to have in the Nazi State. He stated:

"Propaganda is the most modern instrument of power and fighting weapon of state policy. The establishing of the Propaganda Ministry is vital, for the national political policy of the new State Leadership is to be the general good of the whole people. Therefore, the total political, artistic, cultural and spiritual life of the nation, must be brought on to one level and directed from one central point." (*Voelkischer Beobachter*, South German Edition, 31 March 1933).

In order to achieve this purpose, the Ministry of Enlightenment and Propaganda was organized so as to reach and control every medium of expression within Germany. In the language of the decree defining the duties of the Minister of Propaganda, he was to have

" * * * jurisdiction over the whole field of spiritual indoctrination of the nation, of propagandizing the State, of cultural and economic propaganda, of enlightenment of the public at home and abroad; furthermore, he is in charge of all institutions serving these purposes." (2030-PS).

Under this decree, the Ministry controlled propaganda abroad, propaganda within Germany, the press, music, the theater, films, art, literature, radio and all related institutions.

Funk discharged important responsibilities in the Ministry. As Undersecretary, he was Goebbels' chief aide. In this capacity he appears to have been the primary organizer of the machine from which flowed Nazi propaganda. This is made clear by the following excerpt from an affidavit dated 19 December 1945, and

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signed by Max Amann, who held the position of Reich Leader of the Press and President of the Reich Press Chamber.

" * * * In carrying out my duties and responsibilities, I became familiar with the operations and the organization of the Reich Ministry of Propaganda and Enlightenment.

"Walther Funk was the practical Minister of the Ministry of Propaganda and Enlightenment and managed the Ministry. Funk was the soul of the Ministry, and without him Goebbels could not have built it up. Goebbels once stated to me that Funk was his 'most effective man.' Funk exercised comprehensive control over all the media of expression in Germany: over the press, the theater, radio and music. As Press Chief of the Reich Government and subsequently as Under Secretary of the Ministry, Funk held daily meetings with the Fuehrer and a daily press conference in the course of which he issued the directives governing the materials to be published by the German press". (3501-PS).

A note for the files prepared by one Sigismund, an SS Scharfuehrer, also stresses the important role which Funk played in The Ministry of Propaganda (3566-PS). That note records a discussion between Sigismund and one Weinbrenner, an official of the Ministry of Propaganda, about the selection of a General Manager for the German Radio. The note states:

"Weinbrenner made the following statement: * * * it is almost impossible to determine whom the Minister would name General Manager, since Dr. Goebbels reaches most of the important decisions only by agreement with Under Secretary Funk." (3566-PS).

In addition to his position as Undersecretary, Funk had many other important responsibilities in subordinate offices of the Ministry for Propaganda (3533-PS). In 1933, for example, he was appointed Vice President of the Reich Chamber of Culture, whose President was Goebbels (3533-PS; *Reichsgesetzblatt*, 1933, I, p. 798).

Funk's position as Vice President of the Reich Chamber of Culture was related to his position as Undersecretary of the Ministry, since the Chamber of Culture and the seven subordinate chambers were by law subject to the control of the Ministry of Propaganda (2082-PS). This control was insured in practice by placing officers of the Ministry of Propaganda in the highest positions of the Chambers. Thus, for example, Goebbels was its President and Funk its Vice President. By virtue of his dual position, Funk directly promoted two fundamental and related

Nazi policies: (1) the regimentation of all creative activities in the interest of Nazi political and military objectives; (2) the elimination of Jews and dissidents from the so-called cultural professions.

The mechanics by which these policies were carried out have been described in Section 9 of Chapter VII on Propaganda, Censorship and Supervision of Cultural Activities. That description will be supplemented here only by reference to the second decree for the Execution of the Law of Reich Chamber of Culture, dated 9 November 1933 (2872-PS). This decree, which was signed by Funk, representing Goebbels, fixed the effective date for the entire scheme for the domination and purging of the cultural professions.

The control of the Ministry of Propaganda was based in part on the requirement that persons engaged in so-called "cultural activities" belong to the appropriate Chamber (1933 *Reichsgesetzblatt*, I p. 797). Decrees were then passed which prescribed standards of admission to these Chambers, which automatically excluded Jews. For example, in the field of journalism, "only persons who were of Aryan descent and not married to a person of non-Aryan descent" were permitted to be so-called *Schriftleiter*, that is, to perform any work relating to the contents of a newspaper or a political magazine (2083-PS).

Similarly, newspaper publishers had to submit proof tracing their Aryan descent (and that of their spouses) as far back as the year 1800 (Decree 24 April 1935, issued by the President of the Reich Press Chamber, Article 1, 3 and Article II, 1(f) and 2, reprinted in Karl Friedrich Schrieber in "*Das Recht der Reichskulturkammer*", vol. 2, 1935, pp. 109-112; Decrees 15 April and 22 May 1936 issued by the President of Reich Press Chamber reprinted in Karl Friedrich Schrieber "*Das Recht der Reichskulturkammer*", vol. 4, 1936, pp. 101-102, 120-122; see also: Decree 17 September 1934 reprinted in Karl Friedrich Schrieber's "*Das Recht der Reichskulturkammer*", vol. 2, 1935, p. 79).

In view of Funk's official positions and the policies which he advanced, it is natural that Nazi writers have stressed his contribution to the perversion of German culture. Thus Oestreich's biography of Funk states:

"Besides, Funk had a special duty from his Ministry received the task to take care of the cultural life. In this position he organized quietly a tremendous concern which represented an investment of many hundreds of millions. In close co-operation with the Reich Leader of the Press, Max Amann, the economic fundamentals of the German

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press were reconstructed according to the political necessities. The same took place in the film industry and in other cultural fields." (3505-PS)

The reconstruction of "the economic fundamentals of the German press * * * and other cultural fields" was a biographer's euphemism for the elimination of Jews and dissidents from the field of literature, music, theater, journalism, broadcasting, and the arts.

The completeness with which the policy of cultural extermination was carried out is made clear by a pamphlet entitled "The Reich Ministry for Public Enlightenment and Propaganda", by Georg Wilhelm Mueller, an official of the Ministry of Propaganda, which was published by the German Academy for Politics as part of a series on the organization of the Nazi Government. That pamphlet states:

"The Department Special Cultural Tasks (a department within the Ministry of Propaganda) serves mainly the purpose to remove the Jews from cultural professions. It reviews the political attitude of all artistic or cultural workers and cultural economic enterprises that are members of the seven individual chambers of the Reich Chamber of Culture (except the Reich Chamber of the Press), it has to supervise the removal of Jews in the entire field of the seven individual chambers and settles as highest authority all complaints and appeals of cultural workers whose membership was rejected by the Chamber because of lack of proof of Aryan descent. At the same time, it is the task of this department to supervise the activities of non-Aryans in the intellectual and entire cultural field, therefore, also the supervision of the only Jewish organization in the cultural field in the entire Reich territory, that is, the 'Jewish Kulturbund' (Jewish Cultural Association).

"In this way this department also cooperates with all other professional departments of the Ministry or the Chambers by consulting the local officials of the party, the State police offices, etc, and when supervising the Jewish 'cultural work' with the political police.

"It is mainly the merit of this department — to 1937 a department in the Managing Office of the Reich Chamber of Culture—that the purge of the entire German cultural life from Jewish or other non-German influences was completely accomplished according to the assignments of the Minister." (*Das Reichsministerium fuer Volksaufklaerung und Propa-*

ganda (Reich Ministry of Public Enlightenment and Propaganda) pp. 30-31).

Funk contributed to the achievement of the Nazi propaganda program in other capacities. Thus, in 1933, Goebbels appointed him Chairman of the Board of Directors of the Reich Broadcasting Company (3505-PS). That company was the coordinating authority for all German radio broadcasting and supervised all German radio stations, with a view to insuring that radio serve the political purposes of the Nazi State (*Das Deutsche Fuehrerlexikon*, 1934-1935, p. 139; 3505-PS). Moreover, in 1933, Funk was also appointed Vice-president of the *Filmkreditbank*. The *Filmkreditbank* was a government-controlled financing corporation which influenced film production in the interests of the Nazi program by granting financial assistance in connection with only those films deemed desirable from the Nazi point of view (Seager, "Der Film im Nationalsozialistischen Staat" ("The Film in the National-Socialist State"), in Frank: "Nationalsozialistisches Handbuch fuer Recht und Gesetzgebung" ("National Socialist Handbook for Law and Legislation"), 1935, 2nd edition, p. 512). It is clear from the foregoing that Funk was from 1933 until the end of 1937 a versatile and key figure in the propaganda field. His activities ranged from daily conferences with the Fuehrer and the organization of a new large Ministry vital to the Nazi program, to depriving the most humble Jewish artist of his power to earn a livelihood. Funk appears to have been what Goebbels said he was: Goebbels' "most effective man" (3501-PS).

C. FUNK, AS MINISTER OF ECONOMICS, CONTINUED TO ADVANCE THE CONSPIRACY TO PERSECUTE THE JEWS BY ACTIVELY PARTICIPATING IN THE PLANNING AND EXECUTION OF THE MEASURES WHICH ELIMINATED THE JEWS FROM THE GERMAN ECONOMY.

The systematic anti-Jewish program of the Nazi conspirators is discussed in Chapter XII. The evidence discussed below shows that Funk, by virtue of his activities as Minister of Economics, is responsible for the planning and execution of the program to exclude the Jews from the German economy.

The first record of Funk's anti-Jewish activities as Minister of Economics consists of a series of decrees which he signed and which were designed to exclude the Jews from various occupations, such as real estate business, auctioneering, etc. Reference will be made to only a few of these decrees (Decree amending trade code of 6 July 1938, 1938 *Reichsgesetzblatt*, I, p. 832; de-

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cree concerning occupation of auctioneers, 12 February 1938, 1938 *Reichsgesetzblatt*, I p. 202. Moreover, on 14 June 1938, Funk signed a decree providing for the registration of "Jewish enterprises" (1938 *Reichsgesetzblatt*, I, p. 627). This decree was part of a system of economic persecution which obliterated Jewish ownership in all commercial, financial and industrial enterprises.

In 1938, the death of von Rath in Paris was exploited by the Nazis as a pretext for intensifying the persecution of the Jews. Their new anti-Jewish policy called for the complete elimination of Jews from the economic life of Germany. Funk took a significant part in both the formulation and execution of this policy.

Thus, he was present at the meeting of 12 November 1938, where, with Goering as the leading spirit, the basis for a more drastic policy against the Jews was established (1816-PS). Goering described the meeting as a decisive one, and demanded "that the Jewish question be now, once and for all, coordinated and solved, one way or another." (1816-PS). Funk came to the meeting with a draft law which he had prepared, and which he submitted with the following explanation:

"I have prepared a law elaborating that, effective 1 January 1939, Jews shall be prohibited to operate retail stores and wholesale establishments, as well as independent artisan shops. They shall further be prohibited from keeping employees or offering any ready products on the market. Wherever a Jewish shop is operated, the police shall shut it down. From 1 January 1939, a Jew can no longer be employed as an enterpriser, as stipulated in the law for the Organization of National Labor from 20 January 1934. If a Jew holds a leading position in an establishment without being the enterpriser, his contract may be declared void within 6 weeks by the enterpriser. With the expiration of the contract, all claims of the employee, including all claims to maintenance become obliterated. That is always very disagreeable and a great danger. A Jew cannot be a member of a corporation; Jewish members of corporations shall have to be retired by 31 December 1938. A special authorization is unnecessary. The competent Ministers of the Reich are being authorized to issue the provision necessary for the execution of this law." (1816-PS)

The substance of Funk's draft law promptly found its way into the *Reichsgesetzblatt*. On 12 November 1938, Goering signed a

decree entitled "For the Elimination of Jews from the German Economic Life" (1662-PS).

An examination of the provisions of the decree will reveal how well it deserved its title. Thus, Jews were forbidden to operate retail stores or mail order houses, or to engage independently in any handicraft, to offer goods or services at markets, or to take orders therefor (Section I): or to be "leaders" of any industrial enterprise. That decree also provided that any Jew in an executive position of an industrial enterprise was subject to notice of dismissal (Section 2), and that Jews should be excluded from membership in cooperative organizations (Section 3). Funk was expressly authorized in Section 4 of the decree to issue the regulations necessary for implementing its provisions (1662-PS).

Funk was also authorized to issue the regulations in connection with another anti-Jewish decree, also issued on 12 November 1938. This decree provided that all damage done to Jewish enterprises and apartments during the riots of 8, 9, and 10 November, was to be repaired by the Jewish owners out of their own pockets, and that claims by German Jews against insurance companies were to be confiscated in favor of the German Government (1938 *Reichsgesetzblatt*, I, p. 1581).

Soon after the passage of the decree of 12 November, Funk, in a speech which he delivered on the Jewish question, made it clear that the program of economic persecution was a part of the larger program of extermination and boasted of the fact that the new program insured the complete elimination of the Jews from the German economy. In the course of this speech, Funk stated:

"The state and the economy constitute a unity. They must be directed according to the same principles. The best proof thereof has been rendered by the most recent development of the Jewish problem in Germany. One cannot exclude the Jews from the political life, but let them live and work in the economic sphere. The fact that the last violent explosion of the disgust of the German people, because of a criminal Jewish attack against the German people, took place at a time when we were standing just before the termination of the economic measures for the elimination of the Jews from the German economy—this fact is a result of the other fact that in the last years we had not handled this problem sufficiently early and consistently. In any event, the basis of a complete elimination of the Jews also from the economy had already been laid by the decrees of the Commissioner for the Four Year Plan, General Field Marshal Goering, who was the first

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to undertake the solution of this problem. In the meantime, by means of Aryanization, performed under governmental supervision, the Jews had already been excluded completely from the stock exchanges and the banks and almost completely from the large businesses and all important industrial enterprises. According to estimates, of the net property of approximately 7 billion marks, determined pursuant to the decree for the registration of Jewish property, 2 billion marks have already been transferred into German possession." (3545-PS).

On 3 December 1938, Funk again advanced the policy of economic extermination by signing a decree which carried out the promise of the more severe anti-Jewish policy implied in his above speech (1409-PS). This decree imposed additional and drastic economic disabilities upon Jews and subjected their property to confiscation and forced liquidation. It provided that: owners of Jewish enterprises could be ordered to sell or liquidate their enterprises (Section 1); trustees could be appointed for such enterprises, with the expenses of trusteeship borne by the owner of the enterprise (Section 2); Jews could be ordered to sell their property (real estate, etc.) (Section 6); Jews were prohibited from acquiring any real estate (Section 7); governmental consent was required for any disposition of real estate (Section 8); Jews were forced to deposit all stocks, mining shares, bonds, and other securities with specially designated banks, and accounts had to be marked "Jewish" (Section 11); Jews were forbidden to acquire, to give as security, or to sell objects made of gold, platinum, or silver, precious stones, or pearls, etc. (Section 14); and Jews could be required to make certain payments to the Reich before receiving the consent necessary for the transfer of their property (Section 15). (1409-PS).

In addition, many other decrees aiming at the economic ruin of the Jews were promulgated over the signature of the Minister of Economics. For example:

Decree, 23 November 1938, *1938 Reichsgesetzblatt*, I, p. 1642, signed by Brinkmann acting for Funk and containing detailed rules for the liquidation of Jewish retail stores, etc.;

Decree, 14 December 1938, *1938 Reichsgesetzblatt*, 1, p. 1902, also signed by Brinkmann acting for Funk, and providing detailed rules for the elimination of Jews from industrial enterprises;

Decree, 8 May 1939, *1939 Reichsgesetzblatt*, 1, p. 895, signed

by Dr. Landfried acting for Funk, excluding Jews from the occupation of travel agents;

Decree, 4 May 1940, *1940 Reichsgesetzblatt*, 1, p. 730, also signed by Dr. Landfried acting for Funk, concerning registration of transfers of Jewish property;

Decree, 14 November 1940, *1940 Reichsgesetzblatt*, 1, p. 1520, also signed by Dr. Landfried acting for Funk, establishing a procedure for setting aside financial arrangements which Jews, discharged from executive positions of industrial enterprises prior to 12 November 1938, had made with their companies.

Extending certain of the above-described decrees to Austria, see, e.g.:

Decree, 22 August 1942, *1942 Reichsgesetzblatt*, 1, p. 537, signed by von Hanneken, acting for Funk;

Decree, 4 December 1940, *1940 Reichsgesetzblatt*, 1, p. 1564, signed by Dr. Landfried acting for Funk.

Funk had important responsibilities, not only in the formulation of anti-Jewish policy and in the drafting of anti-Jewish legislation, but also in the administration of the conspirators' anti-Jewish measures. Funk was the person to whom appeals were made concerning action taken by subordinate officials in the administration of the anti-Jewish economic program. In fact, he was the paramount authority in this field; his decisions were final and conclusive. For example, he had the final voice in the administrative hierarchy set up for deciding whether an enterprise was a Jewish enterprise within the meaning of the decree requiring the registration of such enterprises (Decree of 14 June 1938, section 9, *1938 Reichsgesetzblatt*, 1, p. 628; see also decree of 3 December 1938, section 19, *1938 Reichsgesetzblatt*, 1, p. 1711; decree, 14 November 1940, *1940 Reichsgesetzblatt*, 1, p. 1520).

Nazi publications have recognized the significant contribution made by Funk to the anti-Jewish program. Thus Hans Quecke, an official of the German Ministry of Economics, in describing the work of the Ministry during Funk's incumbency, stated:

"A task of special political significance and economic importance arose as an absolute necessity out of the National Socialist conception of state and economy, namely, *the eradication of Jewish influence from the economy*. In this connection, a wealth of legislative and administrative work, though temporary, was created for the Ministry. The steps

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of the work were as follows: definitions of the term 'Jewish enterprise', registration of Jewish property, securing the 'deployment' of such property in accordance with the interests of the German economy, exclusion of Jewish employees from executive positions, and, finally, re-examination of steps taken in the de-Judaization of enterprises with a view to ordering payments to the Reich for the unjust profits secured in the process of de-Judaization. That task can now be considered as practically completed in the field of the industrial economy." (Building of the Third Reich (*Das Dritte Reich in Aufbau*) Vol. 5, pp. 318-319 (1941)).

Moreover, Funk himself, in the course of administering this program, emphasized the importance of his new role. For example, on 6 February 1939, he issued a circular in connection with the administration of the decree of 3 December 1938 which, as indicated, he himself signed. In that circular, which was published in the Ministerial Gazette of the Reich and Prussian Ministry of the Interior ("*Ministerialblatt des Reichs — und Preussischen Ministeriums des Innern*"), for 1939, No. 7, p. 265, Funk stressed (at p. 265) "the great political and economic importance" of the anti-Jewish program and stated with respect to the broad powers conferred by the decree of 3 December 1938, that:

"* * * The extent and speed with which they [the powers] will be utilized, is dependent upon *my* orders, to be given under the general direction of Goering."

In the same circular (at p. 265) Funk also emphasized the importance of the laws for de-Judaization, stating:

"The execution of the laws for the economic de-Judaization will, for a time, impose extraordinary burdens upon the administrative organization. However, it is expected that the officers charged with the execution, in view of the great political and economic importance of the tasks assigned to them, will bend all their efforts to assure a most rapid, efficient, and in every way faultless execution of the de-Judaization."

Funk, in an interrogation dated 22 October 1945, admitted and deplored his responsibility for the economic persecution of the Jews:

"Q. All the decrees excluding the Jews from industry were yours, were they not?

"A. * * * So far as my participation in this Jewish affair is concerned, that was my responsibility and I have regretted it later on that I ever did participate. The Party had

always brought pressure to bear on me previously to make me agree to the confiscation of Jewish property, and I had refused repeatedly. But later on, when the anti-Jewish measures and the force used against the Jews came into force, something legal had to be done to prevent the looting and confiscation of all Jewish property.

"Q. You know that the looting and all that was done at the instigation of the Party, don't you?

"(*Here witness weeps*)

"A. Yes, most certainly. That is when I should have left in 1938, of that, I am guilty, I am guilty. I admit that I am a guilty party here." (3544-PS)

D. FUNK WITH KNOWLEDGE OF THE CONSPIRATORS' PLANS FOR AGGRESSION, ACTIVELY PARTICIPATED IN MOBILIZING THE GERMAN ECONOMY FOR AGGRESSIVE WAR: HE ALSO PARTICIPATED IN THE WAGING OF AGGRESSIVE WARS AND WAS A MEMBER OF WAR PLANNING AGENCIES WHICH WERE RESPONSIBLE FOR POLICIES AND ACTS CONTRARY TO THE LAWS OF WAR.

Funk was vested with, and carried out, major responsibilities in connection with the planning and execution of the Nazi program of economic mobilization for aggression. Thus, in 1938 he succeeded Schacht as Minister of Economics (3533-PS).

Immediately before Funk actually took over the Reich Ministry of Economics there was a major reorganization of its functions, which integrated the Ministry with the Four Year Plan as the Supreme Command of the German military economy. The reorganization was accomplished by Goering, in his capacity as Commissar for the Four Year Plan, by a decree dated 4 February, 1938 ("The Four Year Plan" (*Der Vierjahresplan*) official monthly bulletin, issued by Goering, Vol. II, 1938, p. 105). Under this decree, the jurisdiction of the Economics Ministry was defined as covering the following fields of Germany's economy: German raw and working materials, mining, iron industry, power industry, handicrafts, finance and credit, foreign trade, devisen, and exports. As a result of this decree, sectors of the German economy which were strategic in the organization of war and armaments economy were placed under the immediate control of Funk.

Furthermore, the Reich Office for Economic Development, charged by the decree, with "research, planning and execution of the Four Year Plan", was incorporated into the Reich Ministry

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of Economics. Similarly, the Reich Office for Soil Research and the Office of the Reich Commissar for the exploitation of Scrap Materials were made subject to that Ministry. Thus, it is clear that the reorganization decree concentrated significant responsibilities in the hands of Funk and thereby made him one of the chief agents of economic mobilization during a decisive period.

Subsequently, Funk was, by a secret law, expressly charged with the task of mobilizing the German economy for war. On 4 September 1938, while the conspirators were engaged in intensive planning for aggression against Czechoslovakia, Hitler signed a revision of the so-called Reich Defense Law (2194-PS). This law conferred upon Funk substantially the same authority which had been vested in Schacht by the Reich Defense Law of 21 May 1935 (2261-PS). The law of 4 September 1938 provided in part:

"It is the task of the GBW [Chief Plenipotentiary for Economics] to put all economic forces into the service of the Reich defense, and to safeguard economically the life of the German nation. To him are subordinate: the Reich Minister of Economics, the Reich Minister of Nutrition and Agriculture, the Reich Minister of Work, the Reich Chief of Forestry, the Reich Commissar for Price Control. He is furthermore responsible for directing the financing of the Reich defense within the realm of the Reich Finance Ministry and the Reich Bank.

"The GBW must carry out the demands of the OKW which are of considerable importance for the armed forces; and he must insure the economic conditions for the production of the armament industry directed immediately by the OKW according to its demands. If the demands of the armed forces cannot be brought into accord with the affairs of economy, then the Fuehrer and Reich Chancellor decides.

"The GBW has the right within his sphere to issue laws with the consent of the OKW and GBV which differ from the existing laws." (2194-PS).

The law of 4 September 1938, which at the specific direction of Hitler was not made public, was signed by Hitler and by Funk, among others, as "Chief Plenipotentiary for Economics" (2194-PS).

Funk, in a speech which he delivered on 14 October 1939, explained how he, as Chief Plenipotentiary for Economics, had, for a year and a half prior to the launching of the aggression against Poland, advanced Germany's economic preparation for war. He stated:

"Although all the economic and financial departments were harnessed in the tasks and work of the Four Year Plan under the leadership of *Generalfeldmarschall* Goering, the war economic preparation of Germany has also been advanced in secret in another sector for well over a year, namely, by means of the formation of a national guiding apparatus for the special war economic tasks, which had to be mastered at that moment, when the condition of war became a fact. For this work as well all economic departments were combined into one administrative authority, namely under the General Plenipotentiary for Economy, to which position the Fuehrer appointed me one and a half years ago." (3324-PS)

In his dual capacity of Chief Plenipotentiary for Economics and Minister of Economics, Funk naturally was advised of the requirements which the conspirators' program of aggression imposed on the economy. Thus, during a conference in the Reich Aviation Ministry on 14 October 1938 under the chairmanship of Goering, Goering referred to Hitler's orders for an abnormal increase of armament, particularly weapons for attack, and directed the Ministry of Economics to submit suggestions on how to finance this rearmament by increasing exports. The report of Goering's remarks states in part:

"General Field Marshal Goering opened the session by declaring that he intended to give directives about the work for the next months. Everybody knows from the press what the world situation looks like and therefore the Fuehrer has issued an order to him to carry out a gigantic program compared to which previous achievements are insignificant. There are difficulties in the way which he will overcome with utmost energy and ruthlessness.

"The amount of foreign exchange has completely dwindled on account of the preparation for the Czech Enterprise and this makes it necessary that it should be strongly increased immediately. Furthermore, the foreign credits have been greatly overdrawn and thus the strongest export activity—stronger than up to now—is in the foreground. For the next weeks an increased export was first priority in order to improve the foreign exchange situation. The Reich Ministry for Economy should make a plan about raising the export activity by pushing aside the current difficulties which prevent export.

"These gains made through the export are to be used for

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increased armament. The armament should not be curtailed by the export activity. He received the order from the Fuehrer to increase the armament to an abnormal extent, the air force having first priority. Within the shortest time the air force is to be increased five fold, also the navy should get armed more rapidly and the army should procure large amounts of offensive weapons at a faster rate, particularly heavy artillery pieces and heavy tanks. Along with this manufactured armaments must go; especially fuel, powder and explosives are moved into the foreground. It should be coupled with the accelerated construction of highways, canals, and particularly of the railroads." (1301-PS). Goering's words were the words of one already at war. And the emphasis on quintupling the Air Force and accelerating weapon manufacture for attack, were the words of a man waging aggressive war.

Funk actively participated in the planning of wartime financial measures (1301-PS). This was natural since Funk, after 1938, occupied three positions crucial to finance: Minister of Economics, President of the Reichsbank (to which he was appointed in January 1939), and Chief Plenipotentiary for Economics. Funk's role in war financing is illustrated by a letter, dated 1 June 1939, from the Chief Plenipotentiary for Economics (Funk), signed on his behalf by Dr. Posse (3562-PS). This letter found in the captured files of the Reich Ministry of Economics, transmitted the minutes of a meeting concerning the financing of the war. This meeting had been held under the chairmanship of Dr. Landfried, Funk's Undersecretary in the Reich Ministry of Economics. The document bears a marginal note in the bottom left hand corner, dated 5 June, stating that the document was "to be shown to the Minister" [i.e., Funk]. Only eight copies were made of the Minutes, which were marked "Top Secret". Four of these copies were sent to officials directly subordinate to Funk (two in the Reich Ministry of Economics, one in the Reichsbank, and one in the Office of the Chief Plenipotentiary for Economics). During the course of the meeting, which was attended by twelve officials, five of whom were directly responsible to Funk in his various capacities, the conferees discussed a memorandum regarding war finance which had been prepared by the Chief Plenipotentiary for Economics on May 9, 1939. The minutes of this meeting state:

" * * * Then a report was made of the contents of the 'Notes on the Question of Internal Financing of War', of 9 May of this year (appendix to GBW 8/2179/39 Top

Secret), in which the figures given to me by the Reichs Minister of Finance are also discussed. It was pointed out that the General Plenipotentiary for the Economy is primarily interested to introduce into the legislation for war finance, the idea of financing war expenditures by anticipating future revenues, to be expected after the war. * * *

"Undersecretary Newman, first, submitted for discussion the question whether the production would be able to meet to the assumed extent, the demands of the Army, especially if the demands of the Army, as stated in the above report, would increase to approximately 14 billions in the first three months of war. He stated that, if the production potential of the present Reich territory is taken as a basis, he doubts the possibility of such a production increase." (3562-PS).

During the course of the meeting one of the representatives of the High Command stated:

"The demands of the Army would probably be higher in the first three months of war than during the further course of the war." (3562-PS).

In the files of the Reich Ministry of Economics there was also found, attached to the above letter and minutes, a Top Secret memorandum entitled "Notes Concerning Financing of War." That memorandum reveals the plans to use the resources of countries to be occupied in the interest of the Nazi war machine. It states:

"* * * First, as concerns the scope of the total production, it is clear that the economic power of the Protectorate and of other territories, possibly to be acquired, must of course be completely exhausted for the purposes of the conduct of the war. It is, however, just as clear that these territories cannot obtain any compensation from the economy of Greater Germany for the products which they will have to give us during the war, because their power must be used fully for the war and for supplying the civilian home population." (3562-PS).

It is plain that Funk exercised comprehensive authority over large areas of the German economy whose proper organization and direction were critical to effective war preparation. The once powerful German military machine, which rested on the foundation of thorough economic preparation, reflected the contribution which Funk had made to Nazi aggression.

Immediately before this machine was directed against Poland, the final preparatory steps were taken, and the previous appoint-

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ment of Funk as Chief Plenipotentiary for Economics was made public. Thus on 27 August 1939, Funk, in this capacity, issued two decrees, one introducing general rationing of consumers' goods, the other setting up regional economic authorities (1939 *Reichsgesetzblatt*, I, pp. 1495 and 1498).

Finally, on 30 August 1939, Hitler, Goering, and Lammers signed a decree establishing the Ministerial Council for Reich Defense, composed of Goering, Funk, and Hess, among others, to act as a War Cabinet (1939 *Reichsgesetzblatt*, I, p. 1532).

Funk mobilized the German economy for war with full knowledge of the plans for military aggression. An irresistible inference of such knowledge arises from the combination of several factors: from Funk's long and intimate association with the Nazi inner circle; from the very nature of his official functions; from the war-dominated setting of Nazi Germany; from the fact that force and the threat of force had become the open and primary instruments of Nazi policy; and finally from the fact that at the same time that Funk was making economic preparations, specific plans for aggression—later to be carried out—were being formulated, plans which could only be effective if they were synchronized with the complementary economic measures.

The inference of Funk's knowledge and intent is reinforced beyond question by considering, in the light of the factors described above, the more specific evidence of Funk's knowledge of aggressive plans. Thus, Funk, at the very beginnings of the Nazi Government, had stated that the absorption of Austria by Germany was a political and economic necessity, and that it would be achieved by whatever means were necessary (1760-PS).

Goering had issued instructions to the Ministry of Economics—in the language of a man waging aggressive war (1301-PS). Moreover, Funk and his subordinates in May 1939 were making detailed plans for financing the war, that is, a particular war, the war against Poland (3562-PS).

In connection with Funk's economic planning for aggression, reference should be made to other evidence of the preparatory work which Funk carried on prior to the aggression against Poland. Shortly before the attack on Poland, in a letter to Hitler dated 25 August 1939, Funk expressed his gratification for his role in the "tremendous events" of these days, and his thanks for Hitler's approval of his economic war measures. He concluded by giving Hitler his pledge in that hour (699-PS). The text of the letter is as follows:

"Reich Minister Walther Funk.

Berlin W. 8, August 25, 1939.

Unter Den Linden 13.

"My Fuehrer:

"For the congratulations which you transmitted to me on my birthday, in such extremely friendly and kind fashion, I want to thank you from the depths of my heart. How happy and how grateful we must be to you to be favored to experience these colossal and world-moving times, and that we can contribute to the tremendous events of these days.

"General-Field-Marshal Goering informed me, that last night you—my Fuehrer—have approved in principle the measures prepared by me for financing the war, for setting up the wage and price systems and for carrying out the plan for an emergency contribution [*Notopfer*]. This news has made me deeply happy. I hereby most obediently report to you that I have succeeded, through the provisions made already during the last month, to make the German Reichsbank internally so strong and so safe against attack from without that even the most serious disturbances of the international currency and credit systems would be absolutely unable to affect us.

"In the meantime I have in a wholly inconspicuous manner converted into gold all assets of the Reichsbank and of the German economy abroad on which we could possibly lay hands. With the proposals worked out by me regarding a ruthless choking of any unessential consumption and any public expenditure and project not necessary for war we will be able to meet all financial and economic demands without any serious reverberations.

"In my capacity as General Plenipotentiary for Economics, appointed by you, my Fuehrer, I have regarded it as my duty to give you this report and this pledge in this hour.

"Heil, my Fuehrer

"(signed) Walther Funk". (699-PS).

Funk both personally and through duly designated representatives also participated in the planning which preceded the aggression against the USSR. Thus, in April 1941, Rosenberg, after he had been appointed deputy for centralized treatment of problems concerning the Eastern Territories, discussed with Funk the economic problems which would be raised when the plans for aggression in the East were carried out (1039-PS). At that time Funk appointed Dr. Schlotterer as his deputy to

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work with Rosenberg in connection with the exploitation of the Eastern Territories. Funk's deputy met with Rosenberg almost daily.

E. FUNK WAS A MEMBER OF WAR-PLANNING AGENCIES WHICH WERE RESPONSIBLE FOR POLICIES AND ACTS CONTRARY TO THE LAWS OF WAR.

After the launching of the Nazi aggression against Poland, Funk, in his capacities as Minister of Economics, President of the Reichsbank, and Chief Plenipotentiary for Economics, and as a member of the Central Planning Board (to which he was appointed in September 1943), actively participated in the waging of aggressive war on the economic front. Moreover, by virtue of his membership in the Central Planning Board, which formulated and directed the execution of the program for the enslavement, exploitation, and degradation of millions of foreign workers, Funk shares special responsibility for the Nazi Slave Labor Program. (See Chapter X on the Slave Labor Program. This special aspect of Funk's responsibility was left for development by the French prosecuting staff.)

F. CONCLUSION.

It is clear that Funk was a central figure in the Nazi conspiracy and that, as a member of the Nazi inner circle, he helped formulate, was aware of, and promoted the realization of, the conspirators' program. He knew, moreover, that this program envisaged the use of terror and force within and if necessary outside of Germany, and that it contemplated the use of criminal means. Funk, by promoting the conspirators' accession to power and the realization of their program, signified his approval of such crimes.

The evidence has also established that, after the Nazi seizure of power, Funk promoted the achievement of the conspirators' program by virtue of his activities in the Ministry of Propaganda, activities which fomented and carried out the persecution of Jews and dissidents; which psychologically mobilized the German people for aggressive war; and which reduced the willingness and capacity of the conspirators' intended victims to resist aggression. Funk also participated, as Minister of Economics, in the formulation and execution of the policy for the complete elimination of the Jews from the German economy.

As Minister of Economics, President of the Reichsbank, and

Chief Plenipotentiary for Economics, Funk mobilized the German economy for aggressive war, with full knowledge of the conspirators' plans for aggression. Moreover, in these capacities, and as a member of the Ministerial Council for the Defense and the Central Planning Board, he also actively participated in the waging of aggressive wars. Finally, by virtue of his membership in the Central Planning Board, which formulated and directed the execution of the program for the enslavement, exploitation, and degradation of millions of foreign workers, he bears a special responsibility for the war crimes committed in the execution of that program.

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO WALTER FUNK

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6.....	I	5
	International Military Tribunal, Indictment Number 1, Section IV (H); Appendix A.....	I	29,62
	<p>Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.</p>		

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Document	Description	Vol.	Page
*699-PS	Letter from Funk to Hitler, 25 August 1939, reporting on economic affairs. (GB 49).....	III	509
*1039-PS	Report concerning preparatory work regarding problems in Eastern Territories, 28 June 1941, found in Rosenberg's "Russia File". (USA 146).....	III	695
*1301-PS	File relating to financing of armament including minutes of conference with Goering at the Air Ministry, 14 October 1938, concerning acceleration of rearmament. (USA 123).....	III	868
1409-PS	Order concerning utilization of Jewish property, 3 December 1938. 1938 Reichsgesetzblatt, Part I, p. 1709.....	IV	1
1662-PS	Order eliminating Jews from German economic life, 12 November 1938. 1938 Reichsgesetzblatt, Part I, p. 1580.....	IV	172
*1760-PS	Affidavit of George S. Messersmith, 28 August 1945. (USA 57).	IV	305
*1816-PS	Stenographic report of the meeting on The Jewish Question, under the Chairmanship of Fieldmarshal Goering, 12 November 1938. (USA 261).....	IV	425
2029-PS	Decree establishing the Reich Ministry of Public Enlightenment and Propaganda, 13 March 1933. 1933 Reichsgesetzblatt, Part I, p. 104...	IV	652
2030-PS	Decree concerning the Duties of the Reich Ministry for Public Enlightenment and Propaganda, 30 June 1933. 1933 Reichsgesetzblatt, Part I, p. 449.....	IV	653
2082-PS	Law relating to the Reich Chamber		

Document	Description	Vol.	Page
2083-PS	of Culture of 22 September 1933. 1933 Reichsgesetzblatt, Part I, p. 661.....	IV	708
*2194-PS	Editorial control law, 4 October 1933. 1933 Reichsgesetzblatt, Part I, p. 713.....	IV	709
*2261-PS	Top secret letter from Ministry for Economy and Labor, Saxony, to Reich Protector in Bohemia and Moravia, enclosing copy of 1938 Secret Defense Law of 4 September 1938. (USA 36).....	IV	843
*2828-PS	Directive from Blomberg to Supreme Commanders of Army, Navy and Air Forces, 24 June 1935; accompanied by copy of Reich Defense Law of 21 May 1935 and copy of Decision of Reich Cabinet of 12 May 1935 on the Council for defense of the Reich. (USA 24).....	IV	934
2872-PS	Interrogations of Funk on 4 June 1945 and 26 June 1945. (USA 654).	V	478
*2962-PS	Fourth decree relative to Reich Citizen Law of 25 July 1938. 1938 Reichsgesetzblatt, Part I, p. 969...	V	533
*2963-PS	Minutes of meeting of Reich Cabinet, 15 March 1933. (USA 578)....	V	669
*2977-PS	Minutes of meeting of Reich Cabinet, 20 March 1933. (USA 656)....	V	670
*3324-PS	Affidavit of Funk, 14 November 1945, concerning positions held. (USA 10).....	V	683
*3501-PS	Funk on the Organization of War Economy, published in Germany in the Fight. (USA 661).....	VI	42
*3505-PS	Affidavit signed by Max Amann, 19 December 1945. (USA 657)....	VI	207
	Extract from "Walter Funk — A Life for the Economy", 1941, by Paul Oestreich. (USA 653).....	VI	208

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Document	Description	Vol.	Page
*3533-PS	Statement of Funk concerning positions held by him. (USA 651).	VI	216
*3544-PS	Interrogation of Funk, 22 October 1945. (USA 660).....	VI	217
*3545-PS	Speech by Funk, from Frankfurter Zeitung, 17 November 1938. (USA 659).....	VI	239
*3562-PS	Letter from Chief Plenipotentiary for Economy, 1 June 1939, transmitting minutes of meeting concerning financing of war (USA 662).	VI	248
*3563-PS	Extracts from German publications concerning Funk's positions and activities. (USA 652).....	VI	251
3566-PS	Notes for files, prepared by SS-Scharfuehrer Sigismund, concerning General Manager of German Broadcasting, 1 March 1937.....	VI	254
*D-203	Speech of Hitler to leading members of industry before the election of March 1933. (USA 767).....	VI	1080
*Chart No. 1	National Socialist German Workers' Party. (2903-PS; USA 2).....	VIII	770

12. HJALMAR SCHACHT

The prosecution concedes, at the outset, that although Schacht believed that the Jews of Germany should be stripped of their rights as citizens, he was not in complete sympathy with that aspect of the Nazi Party's program which involved the wholesale extermination of the Jews, and that he was, for that reason, attacked from time to time by the more extreme elements of the Nazi Party. It further concedes that Schacht, on occasion, gave aid and comfort to individual Jews who sought to escape the indignities generally inflicted upon Jews in Nazi Germany. Schacht's attitude towards the Jews is exemplified by his speech

at the German Eastern Fair, Koenigsberg, on 18 August 1935, wherein he said:

"The Jew must realize that their influence is gone for all times. We desire to keep our people and our culture pure and distinctive, just as the Jews have always demanded this of themselves since the time of the prophet Ezra. But the solution of these problems must be brought about under state leadership, and cannot be left to unregulated individual actions, which mean a disturbing influence on the national economy * * *" (EC-433).

The foregoing concessions should render it unnecessary for Schacht to produce evidence upon these matters.

The prosecution's case against Schacht is that he planned and prepared for wars of aggression and wars in violation of international treaties, agreements and assurances, and that he knowingly and wilfully participated in the Nazi common plan or conspiracy to plan, prepare, initiate, and wage such wars. The evidence establishes that Schacht actively supported Hitler's accession to power; that he was the chief architect of the financial plans and devices which made possible the huge program of rearmament in Germany; that he played a dominant role in the economic planning of, and preparation for, wars of aggression; and that he contributed his efforts willingly and with full knowledge of the fact that the leader of the conspiracy, Adolf Hitler, was determined upon attaining his objectives by launching aggressive wars.

A. CHRONOLOGY OF SCHACHT'S OFFICIAL POSITIONS.

The chronology of Schacht's official positions is as follows:

- (1) Schacht was recalled by Hitler to the Presidency of the Reichsbank on 17 March 1933 (3021-PS).
- (2) Schacht was appointed acting Minister of Economics by Hitler in August 1934 (3021-PS).
- (3) By secret decree, Schacht was appointed General Plenipotentiary for the War Economy in May 1935 (2261-PS).
- (4) Schacht was awarded honorary membership in the Nazi Party and the Golden Swastika on 30 January 1937, "the highest honor the Third Reich has to offer" (EC-500).
- (5) Schacht was re-appointed for one year as President of the Reichsbank on 16 March 1937 (3021-PS).
- (6) Schacht resigned as Minister of Economics and General Plenipotentiary for the War Economy in November 1937 (3021-PS; EC-494).

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- (7) Hitler appointed Schacht Minister Without Portfolio at the same time (3021-PS).
- (8) Schacht was re-appointed for a four year term as President of the Reichsbank on 9 March 1938 (3021-PS).
- (9) Schacht was dismissed as President of the Reichsbank on 20 January 1939. In connection therewith, Hitler expressed his deep gratitude for Schacht's past services and his gratification that Schacht would remain to serve him as Minister Without Portfolio (EC-397).
- (10) Schacht remained as Minister Without Portfolio until January 1943, when he was dismissed by Hitler. During the period from the time of his dismissal as President of the Reichsbank until the end of 1942, he continued to receive the full salary he had been paid as the President of the Reichsbank, and thereafter received a pension from the Reichsbank. As Minister Without Portfolio, he received a large salary from the Nazi Government and other emoluments of the office (3724-PS).

B. PRIOR TO 1933, SCHACHT ACCEPTED THE NAZI PROGRAM AND HELPED HITLER TO POWER.

Schacht met Goering for the first time in December 1930, and Hitler early in January 1931, at Goering's house. He thought that Hitler was "full of will and spirit" and a man "with whom one could cooperate". Thereafter, he actively supported Hitler's accession to power (3725-PS; 3729-PS).

Schacht's belief in the Nazi program and his undivided loyalty to Hitler are revealed in his letter to Hitler dated 29 August 1932, wherein he pledged continued support to Hitler after the latter's poor showing in the July 1932 elections and proffered advice concerning electioneering tactics. The letter includes the following statements, *inter alia*:

"But what you could perhaps do with in these days is a word of most sincere sympathy. Your movement is carried internally by so strong a truth and necessity that victory in one form or another cannot elude you for long. * * *

* * * * *

"Wherever my work may take me in the near future even if you should see me one day within the fortress—you can always count on me as your reliable assistant." (EC-457).

Subsequently, on 12 November 1932, he again wrote to Hitler, congratulating him upon his firm attitude and stating:

"I have no doubt that the present development of things

can only lead to your becoming chancellor. * * * I am quite confident that the present system is certainly doomed to disintegration." (EC-456).

The fact that Schacht was in complete accord with Hitler's program is further shown by the following entry of 21 November 1932, in Goebbels' diary:

"In a conversation with Dr. Schacht, I assured myself that he absolutely represents our point of view. He is one of the few who accepts the Fuehrer's position entirely." (2409-PS).

Schacht has himself confirmed the correctness of Goebbels' statement (3729-PS).

But Schacht's contribution to Hitler before his accession to power did not consist merely of comforting him, giving advice, and expressing agreement with the Nazi program. He was an active participant in Hitler's vigorous campaign to take over the German state. Thus, he openly lent the prestige of his name, which was widely known in banking, financial, and business circles, to Hitler's cause (3729-PS). He actively undertook to induce business leaders to support Hitler. In his letter to Hitler of 12 November 1932, he wrote that:

"It seems as if our attempt to collect a number of signatures from business circles for this purpose (your becoming Chancellor) was not altogether in vain * * *." (EC-456)

He organized the financial means for the decisive March 1933 election, at a meeting of Hitler with a group of German industrialists in Berlin. At this meeting, Hitler bluntly announced his plans to destroy the parliamentary system in Germany, to crush all internal opposition by force, to restore the power of the Wehrmacht, and to gain his objectives outside of Germany by the use of force. On this occasion, Schacht collected a campaign fund of several million Marks for Hitler's use (D-203; EC-439).

In an eulogy of Schacht on the occasion of his sixtieth birthday, the *Voelkischer Beobachter*, Hitler's official organ, aptly described Schacht's activity in the period before the 1933 election as follows:

"In this critical period, Schacht never failed to point at Adolf Hitler as the only possible leader of the Reich."

* * * * *

"The name of Dr. Schacht will remain linked with the transition of the German economy to the new National Socialist methods" (EC-499).

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C. SCHACHT PLAYED A DOMINANT ROLE IN THE CONSPIRATORS' PROGRAM OF REARMAMENT AND ECONOMIC PLANNING AND PREPARATION FOR WAR.

Germany was virtually prostrate in the early part of 1933; she was faced with dwindling revenues from taxation and seemingly unable to raise money either through external or internal loans. Hitler entrusted to Schacht the task of wringing from the depressed German economy the tremendous material requirements of armed aggression, and endowed him with vast powers over every sector of German industry, commerce, and finance to carry out that task. Some of the devices which Schacht employed to fulfill his mission will now be examined.

Schacht's program, as hereinafter outlined, was, by his own admissions, dedicated to the accomplishment of Hitler's armament program. In a memorandum to Hitler dated 3 May 1935 concerning the financing of armament, Schacht wrote:

"The following comments are based on the assumption that the accomplishment of the armament program in regard to speed and extent, is *the* task of German policy, and that therefore everything else must be subordinated to this aim, although the reaching of this main goal must not be imperiled by neglecting other questions. * * *"

* * * * *

"* * * all expenditures which are not urgently needed in other matters, must stop and the entire, in itself small, financial power of Germany must be concentrated toward the one goal: to arm." (1168-PS).

In a letter to General Thomas dated 29 December 1937, Schacht stated:

"I have always considered a rearmament of the German people as *conditio sine qua non* of the establishment of a new German nation." (EC-257).

Schacht's vast achievements in furtherance of the conspirators' program may conveniently be considered under four headings: (a) armament financing; (b) the "New Plan"; (c) control of production; and (d) plans and preparations for economic controls during war.

(1) *Armament Financing.*

(a) *Mefo bills.* The financing of the conspirators' huge rearmament program presented a twofold problem to Schacht. First, was the need of obtaining funds over and above the amount which could be obtained through taxation and public loans. Sec-

ond, was the conspirators' desire, in the early stages of rearmament, to conceal the extent of their feverish armament activities. Schacht's answer to the problem was the "mefo" bills, a scheme which he devised for the exclusive use of armament financing (EC-436).

Transactions in "mefo" bills worked as follows: "mefo" bills were drawn by armament contractors and accepted by a limited liability company called the *Metallurgische Forschungsgesellschaft*, m.b.H.(MEFO). This company was merely a dummy organization; it had a nominal capital of only one million Reichsmarks. "Mefo" bills ran for six months, but provision was made for extensions running consecutively for three months each. The drawer could present his "mefo" bills to any German bank for discount at any time, and these banks, in turn, could rediscount the bills at the Reichsbank at any time within the last three months of their earliest maturity. The amount of "mefo" bills outstanding was a guarded state secret (EC-436). The "mefo" bill system continued to be used until 1 April 1938, when 12 billion Reichsmarks of "mefo" bills were outstanding (EC-436). This method of financing enabled the Reich to obtain credit from the Reichsbank which, under existing statutes, it could not directly have obtained. Direct lending to the Government by the Reichsbank had been limited by statute to 100 million Reichsmarks (*Reichsgesetzblatt*, 1924, II, p. 241). Schacht has conceded that his "mefo" bill device "enabled the Reichsbank to lend by a subterfuge to the Government what it normally or legally could not do" (3728-PS).

In a speech delivered on 29 November 1938, Schacht glowingly described the credit policy of the Reichsbank of which he was the author as follows:

"It is possible that no bank of issue in peacetimes carried on such a daring credit policy at the Reichsbank since the seizure of power by National Socialism. With the aid of this credit policy, however, Germany created an armament second to none, and this armament in turn made possible the results of our policy." (EC-611).

The "daring credit policy," which made possible the creation of "an armament second to none," obviously embraced the "mefo" bill financing which he had contrived.

(b) *Use of funds of opponents of Nazi regime.* In his efforts to draw upon every possible source of funds for the conspirators' rearmament program, Schacht even used the blocked funds of foreigners' deposits in the Reichsbank. In his memorandum to Hitler of 3 May 1935, Schacht boasted:

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"The Reichsbank invested the major part of Reichsbank accounts owned by foreigners, and which were accessible to the Reichsbank, in armament drafts. Our armaments are, therefore, being financed partially with the assets of our political opponents." (1168-PS).

(c) *Taxation and long term indebtedness.* "Mefo" bills and the funds of political opponents of the conspirators were, of course, not the only sources from which Schacht drew to finance the armament program. Funds for rearmament were likewise derived from taxation and an increase in public debt—channels through which part of national income is ordinarily diverted to public authorities. But what distinguished the conspirators' program of public indebtedness was the fact that the German capital market was completely harnessed to the expanding needs of the Nazi war machine. By a series of controls, they reduced to the minimum consistent with their rearmament program, all private issues which might have competed with Government issues for the limited funds in the capital market. Thus, the capital market was, in effect, pre-empted for Government issues (EC-497; EC-611).

During the period from 31 December 1932 to 30 June 1938, the funded debt of the Reich rose from 10.4 billion Marks to 19 billion Marks (EC-419).

This large increase in funded debt was dedicated "as far as possible" to "the financing of armament and the Four-Year Plan" (EC-611).

(2) *The New Plan.* The conspirators' grandiose armament plans obviously required huge quantities of raw materials. Schacht was a proponent of the view that as much of the requisite raw materials as possible should be produced within Germany. At the same time, however, he recognized that large imports of raw materials were indispensable to the success of the conspirators' gigantic armament program. To that end, he fashioned an intricate system of controls and devices which he called the "New Plan" (*Reichsgesetzblatt*, 1934, I, pp. 816, 829, 864; *Reichsgesetzblatt*, 1935, I, p. 105).

There were three main features of the "New Plan" as devised by Schacht: (1) restriction of the demand for such foreign exchange as would be used for purposes unrelated to the conspirators' rearmament program; (2) increase of the supply of foreign exchange, as a means of paying for essential imports which could not otherwise be acquired; and (3) clearing agreements and other devices obviating the need for foreign exchange. Under the

"New Plan", economic transactions between Germany and the outside world were no longer governed by the autonomous price mechanism; they were determined by a number of Government agencies whose primary aim was to satisfy the needs of the conspirators' military economy (EC-437).

Schacht accomplished the negative task of restricting the demand for foreign exchange

"by various measures suspending the service on Germany's foreign indebtedness, by freezing other claims of foreigners on Germany, by a stringent system of export controls and by eliminating foreign travel and other unessential foreign expenditures." (EC-437).

In order to increase the available supply of foreign exchange

"Schacht repeatedly requisitioned all existing foreign exchange reserves of German residents, required all foreign exchange arising out of current exports and other transactions to be sold to the Reichsbank, and by developing new export markets. Exports were encouraged by direct subsidies and by accepting partial payment in German foreign bonds or in restricted Marks which could be acquired by foreign importers at a substantial discount." (EC-437).

A vast network of organizations was erected to effectuate these various measures. Suffice it for the present purposes to mention merely one of these organizations: the supervisory agencies (*Ueberwachungsstellen*). These agencies, which were under Schacht's control as Minister of Economics, decided whether given imports and exports were desirable; whether the quantities, prices, credit terms, and countries involved were satisfactory; and, in short, whether any particular transaction advanced the conspirators' armament program. The overriding military purpose of the series of controls instituted under the "New Plan" is plainly shown in Schacht's letter of 5 August 1937 to Goering, wherein he said:

"* * * The very necessity of bringing our armament up to a certain level as rapidly as possible must place in the foreground the idea of as large returns as possible in foreign exchange and therewith the greatest possible assurance of raw material supplies, through exporting." (EC-497)

There remains for consideration that aspect of the "New Plan" which involved extensive use of clearing agreements and other arrangements made by Schacht to obtain materials from abroad without the expenditure of foreign exchange. The principle of the clearing system is as follows: The importer makes a deposit

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of the purchase price in his own currency at the national clearing agency of his country, which places the same amount to the credit of the clearing agency of the exporting country. The latter institution then pays the exporter in his own currency. Thus, if trade between two countries is unequal, the clearing agency of one acquires a claim against the agency of the other. That claim, however, is satisfied only when a shift in the balance of trade gives rise to an offsetting claim.

This device was used by Schacht as a means of exploiting Germany's position as Europe's largest consumer in order to acquire essential raw materials from countries which, because of the world wide economic depression, were dependent upon the German market as an outlet for their surplus products. Speaking of his system of obtaining materials abroad without the use of foreign exchange, Schacht has stated:

"It has been shown that, in contrast to everything which classical national economy has hitherto taught, not the producer but the consumer is the ruling factor in economic life. And this thesis is somewhat connected with general social and political observations, because it establishes the fact that the number of consumers is considerably larger than the number of producers, a fact which exercises a not inconsiderable social and political pressure." (*EC-611*)

Schacht's clearing agreements were particularly effective in Southeastern Europe, where agricultural exports had been considerably curtailed by competition from the more extensive and efficient overseas agriculture. The success of Schacht's ruthless use of Germany's bargaining position is indicated by the fact that by August 1937, there had been imported into Germany approximately one half billion Reichsmarks of goods in excess of the amount delivered under the clearing arrangements. In his letter to Goering dated 5 August 1937, Schacht stated:

"* * * in clearing transactions with countries furnishing raw materials and food products we have bought in excess of the goods we were able to deliver to these countries (namely, Southeastern Europe and Turkey) roughly one half billion RM * * * ." (*EC-497*)

Thus, through this device, Schacht was able to extract huge loans from foreign countries which Germany could not have obtained through ordinary channels. The device as developed by Schacht was subsequently used during the war as a means of systematically exploiting the occupied countries of Western Europe.

In addition to the clearing agreements, Schacht devised the system which came to be known as the "aski" accounts. This scheme likewise obviated the need for free currency (i.e. Reichsmarks freely convertible into foreign currency at the official rate—U. S. dollars, pounds sterling, etc). The system worked as follows: The German foreign exchange control administration would authorize imports of goods in specified quantities and categories on the condition that the foreign sellers agreed to accept payment in the form of Mark credits to accounts of a special type held in German banks. These accounts were called "aski", an abbreviation of *Auslander Sonderkonten fuer Inlandszahlungen* (foreigners' special accounts for inland payments). The so-called "aski" Marks in such an account could be used to purchase German goods only for export to the country of the holder of the account; they could not be converted into foreign currency at the official rates of exchange. Each group of "aski" accounts formed a separate "island of exchange" in which the German authorities, under Schacht's leadership, could apply their control as the country's bargaining position in each case seemed to warrant.

Schacht's ingenious devices were eminently successful. They admirably served the conspirators' need of obtaining materials which were necessary to create and maintain their war machine. On this point, Schacht has stated:

"The success of the New Plan can be proved by means of a few figures. Calculated according to quantity, the import of finished products was throttled by 63 percent between 1934 and 1937. On the other hand, the import of ores was increased by 132 percent, of petroleum by 116, of grain by 102 and of rubber by 71 percent."

* * * * *

"These figures show how much the New Plan contributed to the execution of the armament program as well as to the securing of our food." (EC-611)

(3) *Production Control*. As an additional means of assuring that the conspirators' military needs would be met, Schacht adopted a host of controls over the productive mechanism of Germany, extending, *inter alia*, to the allocation of raw materials, regulation of productive capacity, use of abundant or synthetic substitutes in place of declining stocks of urgently needed materials, and the erection of new capacity for the production of essential commodities. The structure of regulation was built up out of thousands of decrees in which governmental agencies under

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Schacht's control issued permits, prohibitions, and instructions. These decrees were the outgrowth of carefully laid plans of the Ministry of Economics, of which Schacht was the head, concerning "economic preparation for the conduct of war", and in accordance with its view that "genuine positive economic mobilization" demanded that "exact instructions for every individual commercial undertaking are laid down by a central authority" (EC-128).

The plan to allocate raw materials was carried out through myriad "orders to produce" specifying that certain commodities must or must not be produced; "orders to process or use" prescribing the type and quantity of raw material which could or could not be used in the production of a given commodity; orders specifying that scarce raw materials could be used only as admixtures with more plentiful but inferior products; and other like measures. The precise details of these orders are unimportant for present purposes. Their significance lies in the fact that they were governed by a central purpose: preparation for war. In the above mentioned secret report issued in September 1934 by the Ministry of Economics it was said:

"Rules are to be initiated for the allotment of scarce raw materials etc; and their use and processing for other than war, or otherwise absolutely vital, goods is prohibited." (EC-128)

The military aspects of Schacht's plans to increase the production of scarce raw materials within Germany, and thereby reduce Germany's dependence upon foreign countries for materials needed in the rearmament program, are likewise revealed in the aforementioned report of the Ministry of Economics of September 1934:

"The investigations initiated by the Raw Materials Commission and the measures introduced for enlarging our raw materials basis through home production as well as for furthering the production of substitute materials will directly benefit war economy preparations." (EC-128)

(4) *Plans and Preparations for Economic Controls During War.* Pursuant to the unpublished Reich Defense Law secretly enacted on 21 May 1935, Schacht was appointed General Plenipotentiary for War Economy by Hitler. Under this law, Schacht was placed in complete charge of economic planning and preparation for war in peacetime, except for the direct production of armaments which was entrusted to the Ministry of War; and upon the outbreak of war, Schacht was to be the virtual economic dictator of Germany. His task was "to put all economic forces in

the service of carrying on the war and to secure the life of the German people economically". In order to facilitate his task, the Ministers of Economy, Food and Agriculture, Labor, and Forestry were subordinated to him, and he was authorized "within his realm of responsibility, to issue legal regulations which may deviate from existing regulations". The necessity for absolute secrecy was stressed (2261-PS).

Schacht appointed Wohlthat as his deputy General Plenipotentiary for War Economy and organized a staff to carry out his directives. Schacht has admitted that he must accept full responsibility for the actions of these subordinates (3729-PS).

Before his resignation in late 1937, Schacht had worked out in amazing detail his plans and preparations for the German economy in the forthcoming war. Recognizing that wartime controls, to be effective, must be based on adequate information, Schacht had directed the completion of comprehensive surveys of 180,000 industrial plants in Germany and had compiled statistics concerning

"* * * the composition of the labor force as to sex, age, and training, the consumption of raw and auxiliary material, fuels, power, the productive capacity, the domestic and foreign trade as well as the supply of material and products in the beginning and at the end of the year." (EC-258)

On the basis of the statistical data thus collected, plans had been formulated by the end of 1937 wherein

"* * * the needs of the Armed Forces and the civilian minimum needs in wartime are compared with the covering thereof by supplies and production." (EC-258)

The supervisory boards, which were briefly described above in connection with the import and export controls, were charged with "preparing their orders for the regulation of war contracts and fees", and were instructed to coordinate with various Reich manpower authorities to secure "their indispensable personnel" (EC-258).

Special measures were taken under Schacht's direction, to maintain "mobilization stocks" of coal and to assure their distribution in accordance with the wartime needs of armament factories and large consumers. Large "gasoline storage places" were constructed for use of the Wehrmacht and "gasoline stations and gasoline stores" were designated "for the first equipment of the troops in case of mobilization". Careful plans were also made for the allocation of power during war, and practice manoeuvres were held

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in order to determine "what measures have to be taken in case places of power generation should be eliminated" (EC-258).

Evacuation plans for the removal of war materials, agricultural products, skilled workers, and animals from military zones were worked out by the Office of the Plenipotentiary for War Economy with characteristic thoroughness. Thus, "the supplies and skilled workers in the evacuation zones" were "registered, earmarked for transportation into certain salvage areas and registered with the *Wehrkreiskommandos* by the field offices of evacuation and salvaging plans" (EC-258).

Detailed plans for a system of rationing to become effective immediately upon mobilization had already been made by the end of 1937:

"The 80 million ration cards necessary for this purpose have already been printed and deposited with the Landrats, Chief Mayors, and corresponding authorities. The further distribution of the ration cards to the individual households is prepared by these authorities to take place within 24 hours after mobilization has been ordered." (EC-258).

Trusted persons whose reliability had been attested to by the Secret State Police were installed in important enterprises and charged with the execution of "measures which guarantee the maintenance of production of their enterprises in the event of mobilization". Their functions likewise extended, among other matters, to applying "for exemptions from military service" of "employees who are indispensable to their enterprise", and seeking immunity from requisition by the Wehrmacht of all motor trucks which were needed in the enterprises to which they were assigned (EC-258).

Pursuant to directives issued by Schacht as Plenipotentiary, labor authorities of the Government ascertained "the available amount of manpower, the wartime requirements of manpower and measures for the covering of the wartime needs". The wartime needs were to be met in part "by using reserve manpower (manpower theretofore used in non-essential enterprises, women, etc.)", and by making "every change of working place and every hiring of workers dependent upon the consent of the Labor Office" (EC-258).

The foregoing measures, it should be noted, are merely representative; they are not exhaustive. But enough appears to make it abundantly clear that Schacht's contribution, by any standard was an extraordinarily important one. Enough appears, moreover, to give particular emphasis to the following observations of

the Honorable George S. Messersmith, United States Consul General in Berlin from 1930 to 1934:

"It was his [Schacht's] financial ability that enabled the Nazi regime in the early days to find the financial basis for the tremendous armament program and which made it possible to carry it through. If it had not been for his efforts, and this is not a personal observation of mine only but I believe was shared and is shared by every observer at the time, the Nazi regime would have been unable to maintain itself in power and to establish its control over Germany, much less to create the enormous war machine which was necessary for its objectives in Europe and later throughout the world.

"The increased industrial activity in Germany incident to re-armament made great imports of raw materials necessary while at the same time exports were decreasing. Yet by Schacht's resourcefulness, his complete financial ruthlessness, and his absolute cynicism, Schacht was able to maintain and to establish the situation for the Nazis. Unquestionably without this complete lending of his capacities to the Nazi Government and all of its ambitions, it would have been impossible for Hitler and the Nazis to develop an Armed Force sufficient to permit Germany to launch an aggressive war." (EC-451).

D. SCHACHT PARTICIPATED IN THE NAZI CONSPIRACY PURPOSELY, WILLINGLY, AND WITH KNOWLEDGE OF ITS ILLEGAL AIMS AND METHODS.

(1) *He was a faithful adherent of Hitler.* It has already been demonstrated that even before Hitler's accession to power, Schacht aligned himself with Hitler and accepted his program. Schacht's utterances after Hitler had entrenched himself in power clearly show that he remained a faithful servant of Hitler despite the series of outrages committed under Hitler's direction.

At the opening of the Leipzig Fair on 4 March 1935, Schacht said:

"My so-called foreign friends don't render any services to me or the cause, which they don't want anyway, of course, but not even to themselves, if they try to construe a contrast between me and the allegedly impossible economic theories of National Socialism and represent me as a sort of guardian of economic reason. I assure you that all that I am doing and saying enjoys the absolute approval of the Fuehrer and that I would never do or say anything that does not have

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his approval. Not I but the Fuehrer is the guardian of economic reason." (*EC-503*)

On the occasion of the unveiling of Hitler's bust in the vestibule of the Reichsbank on 31 July 1935, Schacht said:

"Germany stays and falls with the success of the policy of Hitler." (*EC-415*)

At a ceremony in connection with the creation of the Economic Chamber for Pomerania in Stettin on 19 January 1936, Schacht denied that there was any disagreement between Hitler and his collaborators, and went on to say:

"In Germany there is fortunately only one policy and one economic policy, namely that of Adolf Hitler; to work with him and for his goals is the highest satisfaction for every member of the people's community." (*EC-502*)

In May 1936, Schacht was attacked by some of the more radical elements of the Nazi Party because he had rejected their "partially irrational ideas" concerning armament financing. In repelling these attacks, Schacht emphasized at a secret meeting of the Ministers on 12 May 1936, that his program of financing armaments had meant "the commitment of the last reserve from the very beginning"; and he announced that despite the attacks, he would continue to work because he

"* * * stands with unswerving loyalty to the Fuehrer, because he fully recognizes the basic idea of National Socialism and because at the end, the disturbances, compared to the great task, can be considered irrelevant." (*1301-PS*).

So far as appears, Schacht did not become a member of the Nazi Party until January 1937. Franz Reuter, whose biography of Schacht was officially published in Germany in 1937, has stated that Schacht's becoming a regular Party member was only a question of secondary importance, and even part of a carefully planned policy, for,

"By not doing so—at least until the final assertion and victory of the Party—he [Schacht] was able to assist it [the Party] much better than he would have been able to do had he become an official Party member." (*EC-460*)

On 30 January 1937, Hitler bestowed the Golden Party Badge upon Schacht, in recognition of his "special services to Party and State." Schacht accepted this hallmark of approval by the Fuehrer with effusive thanks and a pledge of continued support. In his speech of acceptance, Schacht stated:

"The presentation of the Golden Badge of the Movement is the highest honor the Third Reich has to offer. In honoring me as the head of the Reichsbank and the Reich and

Prussian Ministry of Economics, it honors at the same time the two agencies which I am directing as well as the work of all those officials, employees and workers functioning in these two agencies."

* * * * *

"I think all my colleagues among the ranks of officials, employees, and workers for their faithfulness in the performance of their work, and appeal to all of them further to devote, with all their hearts, their entire strength to the Fuehrer and the Reich. The German future lies in the hands of our Fuehrer." (EC-500)

The depths of adulation were reached in a speech which Schacht delivered on the occasion of Hitler's 48th birthday in April 1937. Schacht spoke as one of Hitler's "closest collaborators," who had seen at first hand the difficulties which beset the Fuehrer in the relentless march toward his goals. In his speech, Schacht stated:

"With the limitless passion of a burning heart and the infallible instinct of the born statesman, Adolf Hitler has won for himself the soul of the German people in a battle fought for 14 years with unswerving consequence."

* * * * *

"Only the closest collaborators of the Fuehrer know how difficult is the burden of this responsibility; how sorrowful are the hours during which decisions must be made which bear upon the well being and the fate of all of Germany." (EC-501)

In November 1938, at a time Schacht now asserts he was plotting against Hitler, he stated in a speech:

"Instead of a weak and vacillating Government, a single, purposeful, energetic personality is ruling today. That is the great miracle which has actually happened in Germany and which has had its effects in all fields of life and not least in that of economy and finance. There is no German financial miracle. There is only the miracle of the reawakening of German national consciousness and German discipline, and we owe this miracle to our Fuehrer Adolf Hitler." (EC-611)

(2) *Schacht favored the acquisition of additional territory for Germany—peacefully if possible, but by aggressive war, if necessary.* Schacht had long been a German nationalist and

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expansionist. As early as 1927, he spoke against the Versailles Treaty:

"The Versailles Dictate cannot be an eternal document, because not only its economic, but also its spiritual and moral premises are wrong." (EC-415)

He strongly favored the acquisition by Germany of both colonial territory and contiguous territory in Europe. At the Paris conference on 16 April 1929, he said:

"Germany can generally only pay if the Corridor and Upper Silesia will be handed back to Germany from Polish possession, and if besides somewhere on the earth colonial territory will be made available to Germany." (3726-PS)

In a speech in Danzig in June 1935, Schacht ascribed the economic difficulties which confronted Danzig to "historical errors of the greatest extent which were beyond the control of the German people". He sought to comfort his listeners with the assurance that

"We Germans in the Reich today are looking with fullest confidence upon our comrades in the Danzig Free State, and maintain our people's fellowship with the interests, wishes and hopes of this territory which has unfortunately been separated from us." (EC-498)

In January 1936, Schacht again publicly spoke against the Versailles Treaty, and impliedly threatened war unless its terms were revised in Germany's favor. At that time, he stated:

"But the memory of war weighs undiminished upon the people's minds. That is because deeper than material wounds, moral wounds are smarting, inflicted by the so-called peace treaties. Material loss can be made up through renewed labor, but the moral wrong which has been inflicted upon the conquered peoples, in the peace dictates, leaves a burning scar on the people's conscience. The spirit of the Versailles has perpetuated the fury of war, and there will not be a true peace, progress or reconstruction until the world desists from this spirit. The German people will not tire of pronouncing this warning." (EC-415)

Later in the same year, Schacht again publicly advocated "*Lebensraum*" for the German people in terms not unlike those employed by Hitler. In his speech at Frankfurt on 9 December 1936, Schacht said:

"Germany has too little living space for her population. She has made every effort, and certainly greater efforts than any other nation, to extract from her own existing small space, whatever is necessary for the securing of her liveli-

hood. However, in spite of all these efforts the space does not suffice." (EC-415)

Schacht had hoped, it is believed, that his desire for additional space for Germany would be realized without resort to war. In Austria, for example, he had authorized 200,000 Marks a month to be set aside for the National Socialists in Austria, hoping thereby to facilitate the absorption of Austria into Germany without war. But if Germany's neighbors would not accede to the conspirators' demands for additional space, Schacht was willing to go to war to fulfill those demands.

Thus, on 23 September 1935, Schacht told S. R. Fuller, Jr. at the American Embassy in Berlin:

"Colonies are necessary to Germany. We shall get them through negotiation if possible; but if not, we shall take them." (EC-450)

In January 1937, Schacht, in a conversation with Ambassador Davies, impliedly threatened a breach of the peace unless Germany's demands for colonies were met. The conversation is related as follows in a report under date of 20 January 1937, by Ambassador Davies to the Secretary of State:

"He [Schacht] stated the following: that the present condition of the Germany people was intolerable, desperate and unendurable; that he had been authorized by his Government to submit proposals to France and England which would (1) guarantee European peace; (2) secure present European international boundaries; (3) reduce armaments; (4) establish a new form of a workable League of Nations; (5) abolish sanctions with new machinery for joint administration; all based upon a colonial cession that would provide for Germany an outlet for population, source for food stuffs, fats and raw material. * * *" (L-111)

The inference was clear: without a colonial cession, peace could not be guaranteed. Equally clear was the inference that it would be Germany in its search for "*Lebensraum*" that would disturb the peace.

On 21 December 1937, Schacht indicated to Ambassador Dodd that he desired the annexation of neighboring countries, without war if possible, but with war, if necessary. The pertinent portion of Ambassador Dodd's notes on this conversation are as follows:

"Schacht meant what the Army chiefs of 1914 meant when they invaded Belgium, expecting to conquer France in six weeks; i.e., domination and annexation of neighboring little countries, especially north and east. Much as he dislikes

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Hitler's dictatorship, he, as most other eminent Germans, wishes annexation—without war if possible, with war, if the United States will keep hands off." (EC-461)

(3) *Schacht knew of Hitler's plans to wage aggressive war and wilfully provided the means whereby such a war might successfully be waged.* Whether or not Schacht personally favored war, it is clear that he at least knew that Hitler planned military aggression and that he was providing Hitler with the instrument by which those plans could be executed. Even before Hitler's accession to power, Schacht knew from a reading of *Mein Kampf* that Hitler was bent upon expansion to the East by force of arms (3727-PS).

In the course of his frequent contacts with Mr. Messersmith, United States Consul General in Berlin from 1930 to 1934, Schacht emphasized that the "Nazis were inevitably going to plunge Europe into war" (EC-451).

In September of 1934, Ambassador Dodd recorded in his diary a conversation with Sir Eric Phipps at the British Embassy in Berlin, wherein he stated that "Schacht had acknowledged to me the war purposes of the Nazi Party" (EC-461).

Schacht has admitted that in the course of his numerous talks with Hitler from 1933 to 1937, he formed the impression that "in order to make his hold on the Government secure, the Fuehrer felt that he must present the German people with a military victory" (EC-458).

These admissions by Schacht are fortified by other evidence which shows that Schacht knew that Hitler planned military aggression. After his appointment as Minister of Economics, Schacht became a permanent member of the secret Reich Defense Council. The function of that Council, as shown in other connections, was secretly to mobilize all of the human and material resources of Germany for war (EC-177).

Shortly after his appointment as the Plenipotentiary General for the War Economy in May 1935, Schacht was entrusted by the Reich Defense Council with the "preparation of economic mobilization" in connection with the proposed re-occupation of the Rhineland. Schacht and those officials who were charged with the purely military aspects of the re-occupation were enjoined to proceed with the utmost secrecy because of assurances given by Hitler to the French that no military action was contemplated in the de-militarized zone of the Rhineland (EC-405).

At the 11th meeting of the Reich Defense Council, on 6 December 1935, which was attended by a number of representatives

from Schacht's office of Plenipotentiary of the War Economy, Keitel pointed out that

"According to the will of the Fuehrer, the economic leadership puts the increase of our armed might knowingly ahead of other requirements of the state. It is the task of all members of the Reich Defense Council to utilize the national property, made available, primarily for this purpose and economically in the framework of the entire situation, and request only such funds and raw materials which serve absolutely and exclusively the Reich Defense. * * *"
(EC-406)

The singleness of purpose with which Schacht and the other conspirators were gearing the German economy for war is strikingly shown by the Top Secret minutes of the meeting of ministers dated 30 May 1936. This, it will be recalled, was little more than 10 weeks after German troops had occupied the Rhineland. At this meeting, Schacht pointed out that "it must be attempted to produce those raw materials within Germany which are economically favorable; for other raw materials ready reserves for the case of mobilization"; and also that "certain raw materials for war must be stocked." Continuing the discussion, Goering emphasized that "all measures are to be considered from the standpoint of an assured waging of war." Thereafter, Schacht advocated the introduction of price supervision and agreed that first priority should be given to the "specially urgent petroleum question" (1301-PS).

By Top Secret letter dated 31 August 1936, Schacht was advised by General von Blomberg that Hitler had ordered that "the setting up of all air force units has to be completed on 1 April 1937". This accelerated program entailed the expenditure of large additional funds which Schacht and the Minister of Finance were called upon to supply. The sense of urgency with which Hitler pressed the completion of the German air force patently signified that the waging of war was a certainty (1301-PS).

Shortly after the receipt of this letter, and on 4 September 1936, Schacht attended a secret cabinet meeting where Goering stated:

"The Fuehrer and Reichskanzler has given a memorandum to the Col. General and the Reich War Minister which represents a general instruction for the execution thereof.

"It starts from the basic thought that the showdown with Russia is inevitable."

* * * * *

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"The Colonel General reads the memorandum of the Fuehrer."

* * * * *

"If war should break out tomorrow we would be forced to take measures from which we might possibly still shy away at the present moment. They are, therefore, to be taken."

* * * * *

"All measures have to be taken just as if we were actually in the stage of imminent danger of war." (EC-416).

There was no room for surmise in these utterances; Hitler was definitely and irrevocably committed to waging aggressive war. If Schacht ever had any doubts concerning Hitler's firm resolve to carry out the program of aggressive war outlined in *Mein Kampf*; if, contrary to his statements to Mr. Messersmith and Ambassador Dodd, Schacht actually doubted in 1934 that the Nazis, whom he was faithfully serving, would inevitably plunge Europe into war; and if, despite the pressing sense of immediacy that had pervaded the Nazi war economy from the very outset, he had entertained lingering doubts concerning Hitler's plans for armed aggression, all such doubts must have been removed by the clear and unequivocal pronouncements in the above-mentioned eventful meetings of 1936 in which he participated.

Yet, despite his knowledge of Hitler's plans to wage aggressive war, despite the fact that he had grave technical doubts about the ability of the Reichsbank to finance further armaments through additional short term credits, and despite the fact that some directors of the Reichsbank had opposed further "mefo" financing, Schacht pledged another 3 billion Reichsmarks by the "mefo" bill method for further financing of armaments in March 1937 (EC-438).

The Hossbach notes, dated 10 November 1937, on the important conference of 5 November 1937 in the *Reichskanzlei*, reveal a further crystallization of Hitler's program of absorption and conquest in Europe (386-PS). Definite plans were laid for the early acquisition of Austria and Czechoslovakia, and for their exploitation in preparation for further military operations. So far as appears, Schacht was not present at this particular meeting. But his awareness of what occurred at the meeting is shown by the fact that he told Ambassador Bullitt on 23 November 1937, that

"Hitler was determined to have Austria eventually attached to Germany and to obtain at least autonomy for the Germans of Bohemia. At the present moment he was not vitally con-

cerned about the Polish Corridor, and in his [Schacht's] opinion it might be possible to maintain the Corridor provided Danzig were permitted to join East Prussia, and provided some sort of a bridge could be built across the Corridor uniting Danzig and East Prussia with Germany." (L-151).

Although Schacht apparently sought to convey the impression to Ambassador Bullitt that he desired to stay Hitler's hand but was powerless to do so, it is clear that he was actually in complete sympathy with Hitler's objectives. Despite the mounting tension which followed his conversation with Ambassador Bullitt, Schacht remained as President of the Reichsbank, and in that capacity established, in advance of the invasion of Austria, the rate of exchange between Marks and Austrian Schillings which was to prevail after the absorption of Austria (EC-421).

Moreover, under his direction, the Austrian National Bank was merged into the Reichsbank (*Reichsgesetzblatt*, 1938, I, 254). His speech of 21 March 1938, to the employees of the former Austrian National Bank on the occasion of its obliteration as an independent institution, betrayed his true feelings. After inveighing against "the dictates of Versailles and St. Germain", Schacht stated:

"Thank God, these things could after all not hinder the great German people on their way, for Adolf Hitler has created a communion of German will and German thought, he bolstered it up with the newly strengthened Wehrmacht and he then finally gave the external form to the inner union between Germany and Austria."

* * * * *

"One person says he would have done it maybe in one way, but the remarkable thing is that they did not do it (hilarity), that IT WAS ONLY DONE BY OUR ADOLF HITLER (Long continued applause) and if there is still something left to be improved, then those grumblers should try to bring about those improvements from the German Reich and within the German community, but not to disturb it from without. (Lively agreement)".

* * * * *

"I ask you to raise your hands and to repeat after me:

I swear that: I will be faithful, and obedient to the Fuehrer of the German Reich and the German people, Adolf Hitler, and will perform my duties conscientiously and selflessly. (The audience takes the pledge with uplifted hands).

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You have taken this pledge. A scoundrel he who breaks it.
To our Fuehrer a triple 'Sieg heil'." (EC-297-A)

Schacht was likewise enthusiastic about the acquisition of the Sudetenland, and filled with pride over the contribution his credit policy as head of the Reichsbank had made thereto (EC-611).

In January 1939, when Hitler was ruthlessly exploiting his successes in Austria and the Sudetenland in preparation for his next aggressive move, Schacht again referred, with pride, to the fact that the *Wehrmacht* which he had helped create by his ingenious and risky methods had made possible Hitler's successes. Thus, he said:

"From the beginning the Reichsbank has been aware of the fact that a successful foreign policy can be attained only by the reconstruction of the German armed forces. It [the Reichsbank] therefore assumed to a very great extent the responsibility to *finance* the rearmament in spite of the inherent dangers to the currency. The justification thereof was the necessity—which pushed all other considerations into the background—to carry through the armament at once, out of nothing and furthermore under camouflage, which made a respect-commanding foreign policy possible." (EC-369)

The foregoing proof establishes, it seems clear, that Schacht knew of Hitler's plans for aggressive war, and wilfully created the means whereby those plans could be executed. But apart from this direct proof, it is submitted that to a man in Schacht's position, the events of the period clearly bespoke Hitler's intentions. Schacht was a key figure in the Nazi Government during the period of the Nazi agitation in Austria, the introduction of conscription, the march into the Rhineland, the conquest of Austria, and the acquisition of the Sudetenland by a show of force.

During this period, the Reich debt trebled under the stress of mounting armaments (EC-419), and all the resources of Germany were being strained to the very limit for armament. It was a period in which the burning European foreign policy issue was the satisfaction of Germany's repeated demands for additional territory. Hitler, committed to a policy of expansion, was laying the greatest stress upon utmost speed in preparation for war.

Certainly in this setting, Schacht did not proceed in ignorance of the fact that he was assisting Hitler and Nazi Germany along the road towards armed aggression.

E. SCHACHT'S LOSS OF POWER DID NOT IMPLY DIS-AGREEMENT WITH THE CONSPIRATORS' PROGRAM OF AGGRESSIVE WAR.

(1) *His resignation as Minister of Economics and General Plenipotentiary for War Economy.* In November 1937, Schacht resigned his offices as Minister of Economics and General Plenipotentiary for War Economy. At the same time, he accepted appointment as Minister without Portfolio, and continued as President of the Reichsbank. It is submitted that the evidence shows that Schacht's resignations were merely the outgrowth of a clash between two power-seeking individuals, Goering and Schacht, over *methods* of creating a war economy and over who should have final authority to direct the completion of the task. So far as appears, Schacht was in full accord with the other conspirators upon the *desirability* of providing Hitler with the means by which he eventually could carry out his planned aggressions.

The basic differences between Schacht and Goering date from a period shortly after Goering became head of the Four-Year Plan Office. The latter office was created by Hitler in September 1936, and in connection therewith, Goering was "given far reaching powers to issue directives to all the highest offices of the State and Party". Goering conceived of his function as head of the Four-Year Plan Office "within four years to put the entire economy in a state of readiness for war" (EC-408).

Schacht was in agreement with the "aim and idea" of the Four-Year Plan. He promised Goering his complete support and cooperation, and urged that Goering draw upon Schacht's long experience in economic affairs. Thus, in Schacht's letter of 5 August 1937, to Goering, he said:

"The aim and the idea of the Four Year Plan were and remain entirely correct and necessary! It stands, essentially, for the application of increased energy to the efforts already undertaken by my ministry since 1934 with the results shown in the above statistics. As you will remember, I welcomed it when your energy, my dear Prime Minister, was recruited by the Fuehrer for these tasks, and from the very beginning I gave you my most loyal support and cooperation, with the particular plea that I be given a hearing from time to time, since I believed that my more than thirty years of experience in economic life, half of them in public service, could be of value to you." (EC-497)

Goering, however, failed to avail himself of Schacht's offer of his services. "I can only regret," said Schacht in the aforemen-

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tioned letter, "that you have made so little use of my offer" (*EC-497*). Instead, Goering began to encroach upon powers which had been delegated to Schacht, and they became embroiled in a bitter jurisdictional conflict. On 26 November 1936, Goering issued a directive regarding raw and synthetic material production, whereby he undertook to assume control over large economic areas previously within Schacht's province (*EC-243*).

Schacht did not supinely accept Goering's intrusions upon his powers. Goering's directive was countered by an abrupt order from Schacht to all supervisory offices to accept orders from him alone (*EC-376*).

The conflict reached such dimensions that it threatened to retard the pace of the conspirators' armament program. The military sided with Schacht, who had provided the means for their rapid rearmament. They submitted proposals which would have assured to Schacht as Plenipotentiary General for the War Economy the responsibility for "unified preparation of the war economy as heretofore" (*EC-408*; *EC-420*).

In January 1937, the German Military Weekly Gazette published an article warmly praising Schacht's achievements in rearmament. The timing of the article indicates that it was a further attempt by the military to tip the scales in Schacht's favor. The article stated:

"The German Defense Force commemorates Dr. Schacht today as one of the men who have done imperishable things for it and its development in accordance with directions from the Fuehrer and Reich Chancellor. The Defense Force owes it to Schacht's skill and great ability that, in defiance of all currency difficulties, it, according to plan, has been able to grow up to its present strength from an army of 100,000 men." (*EC-383*)

Shortly thereafter, Schacht attempted to force a showdown with Goering by temporarily refusing to act in his capacity as Plenipotentiary. Schacht plainly was using his prime importance in the conspirators' program of economic planning and preparation for war as a lever. In a letter to Hitler dated 22 February 1937, General von Blomberg, the Minister of War, suggested a settlement of the jurisdictional fight under which Schacht would fully retain his powers as General Plenipotentiary of War Economy, and concluded by stating:

"If you, my Fuehrer, agree with my view regarding these jurisdictional questions, it may be possible to induce Reichsbank President Dr. Schacht, whose cooperation as Pleni-

potentiary for preparation of war is of great significance, to resume his former activity." (EC-244)

As a further demonstration of the community of interest between Schacht and the top German military authorities, Schacht attended the secret "War Economy" games at Godesberg in the latter part of May 1937. The purpose of the games was to demonstrate "how the action of the soldiers in total war is influenced by economy and how on the other hand, economy is completely dependent on military operations". Schacht's attendance was acclaimed at the games as

"renewed proof that you are willing to facilitate for us soldiers the difficult war-economic preparations and to strengthen the harmonious cooperation with your offices." (EC-174).

In June 1937, Keitel implored Hitler to accelerate a final agreement between Schacht and Goering. Speaking of arrangements concerning cooperation of these two key figures, Keitel said:

"I know that a necessary practical basis for it [the arrangement for cooperation between Schacht and Goering] has already been found, and only a formal agreement is needed in order to carry on the common work."

* * * * *

"* * * to waste time in our situation would be the greatest reproach that history could make upon us.

"May I beg, therefore, once more that the arrangement mentioned be expedited, and that I be notified accordingly." (EC-248)

Finally, on 7 July 1937, Schacht and Goering signed an agreement of reconciliation in Berlin, wherein it was said that the tasks of Goering and Schacht "are being solved in closest mutual cooperation," and that "no doubt exists about the fact that the Commissioner General for War Economy has the position of a supreme authority of the Reich" (EC-384).

Schacht resumed his duties as General Plenipotentiary with renewed vigor. On the day following his formal agreement with Goering, he wrote to General von Blomberg on "Measures for the preparation of the conduct of war," pledging continued cooperation in their mutual endeavors:

"* * * by the direction of the supreme authority for the conduct of war, the coordination of the conduct of war will be assured in its execution through mutual agreement between you and me, which I look upon as a matter of course

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in the Central Authority and without which I cannot envisage any conduct of war. The direction of the economy by the plenipotentiary would in that event never 'take place entirely independent from the rest of the war mechanism' but would be aimed at the accomplishment of the political war purpose with the mustering of all economic forces. I am entirely willing, therefore, to participate in this way in the preparation of the forthcoming order giving effect to the Reich Defense Act [*Reichsverteidigungsgesetz*]." (EC-252)

However, Schacht and Goering were soon again in disagreement. After a sharp exchange of letters in which each sought to justify his particular economic program as the best means of making possible the attainment of Hitler's objectives (EC-497; EC-493), Schacht suggested to Goering in a curt letter dated 26 August 1937, that he (Goering) assume sole charge of economic policies. In this letter, Schacht rationalized his precipitate action as follows:

"To me it does not seem to be of decisive importance to raise questions of competence and initiative, but it is of decisive importance that the Fuehrer's economic policy should be carried out in a coherent manner, and with the least amount of friction." (EC-283)

Despite the uncompromising tenor of the latter communication, Schacht was still amenable to an arrangement with Goering which would have permitted him a measure of autonomy in economic planning and preparation for war. On 1 November 1937, he attended a conference with Goering

"* * * which led in an entirely friendly manner to the working out of a series of proposals, which * * * Goering promised to have presented to me [Schacht] in writing on the following day * * * so that, after having reached an agreement we could present a mutually approved text to you, my Fuehrer." (EC-495)

But the written agreement was not forthcoming as Goering had promised, and Schacht repeated his request to be relieved from the Ministry of Economics, "in the interest of a uniform government management" (EC-495). Hitler finally accepted Schacht's resignation as Minister of Economics on 26 November 1937, simultaneously appointing him Minister Without Portfolio. Schacht's resignation was also extended to his position as Plenipotentiary for War Economy (EC-494).

In subsequent interrogations, both Schacht and Goering have confirmed the fact that Schacht's withdrawal was simply the re-

sult of a losing struggle with Goering to retain personal power (3730-PS; 3728-PS).

There is nothing to indicate that Schacht's withdrawal from the Ministry of Economics and the Office of Plenipotentiary for War Economy in any sense represented a break with Hitler on the ground of contemplated military aggression. He consented to retain his position as President of the Reichsbank, where he remained undisputed master, and accepted the post of Minister of Portfolio, in order to be Hitler's "personal adviser." In the letter accepting Schacht's resignation as Minister of Economics, Hitler said:

"If I accede to your wish it is with the expression of deepest gratitude for your so excellent achievements and in the happy consciousness that, as President of the Reichsbank Directorate, you will make available for the German people and me for many years more your outstanding knowledge and ability and your untiring working strength. Delighted at the fact that in the future, also, you are willing to be my personal adviser, I appoint you as of today a Reich Minister." (L-104).

As President of the Reichsbank, Schacht continued to carry out Hitler's policies. As previously shown, he participated in the planning of the invasion of Austria by fixing the conversion rate of the Austrian Schilling in advance of the invasion; and under his direction, the Austrian National Bank was merged into the Reichsbank. He publicly approved the absorption of Austria and the acquisition of the Sudetenland. He continued to finance armaments by "mefo" bill credits until April 1938, and thereafter, until his resignation in January 1939, authorized an increase of approximately 2.6 billion Reichsmarks in bank notes in order to discount commercial paper which was used in connection with the armament program. (EC-438)

(2) *Schacht's dismissal from the Presidency of the Reichsbank.* Schacht was dismissed from the Presidency of the Reichsbank in January 1939. The evidence indicates that Schacht engineered his dismissal in order to escape personal responsibility for what he believed to be an impending financial crisis; he was not dismissed because of disagreement with the ultimate objectives of the conspiracy or common plan.

Schacht had always feared an inflation in Germany. As early as May 1936, he emphatically stated that he would "never be party to an inflation" (1301-PS). In January 1939, Schacht was convinced that ruinous inflation was, in fact, imminent (EC-369). There was, it appears, ample basis for his fear. The Finance

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Minister, von Krosigk, had already recognized the situation in September 1938, and had written to Hitler warning that

"* * * we are steering towards a serious financial crisis, the forebodings of which have led already abroad to detailed discussions of this weak side in our economic preparations and to an apprehensive loss of confidence domestically."
(EC-419)

Schacht was not only afraid of a financial crisis; he was even more fearful that he personally would be held responsible for it and his prestige would suffer a crushing blow. One of his associates at the Reichsbank has stated:

"When Schacht saw that the risky situation which he had sponsored was becoming insoluble, he was more and more anxious to get out. This desire to get out of a bad situation was for a long time the 'leitmotif' of Schacht's conversations with the directors of the bank." (EC-438)

In the end, Schacht deliberately stimulated his dismissal from the Presidency of the Reichsbank by arbitrarily refusing an end-of-the-month loan in a relatively small amount to the Reich, contrary to well established practice (3730-PS; 3731-PS).

Despite differences of opinion concerning the limits to which the German economy might be pushed without plunging the country into inflation, Schacht continued to enjoy Hitler's confidence. In his letter to Schacht dated 19 January 1939, Hitler stated:

"On the occasion of your recall from Office as President of the Reichsbank Directory, I take the opportunity to express to you my most sincere and warmest gratitude for the services which you rendered repeatedly to Germany and to me personally in this capacity during long and difficult years. Your name, above all, will always be connected with the first epoch of the national rearmament. I am happy to be able to avail myself of your services for the solution of new tasks in your position as Reich Minister." (EC-397).

On his side, Schacht evidenced his abiding faith in Hitler and his continued agreement with his aggressive policies, by remaining as Minister without Portfolio until January 1943. As such he received a large salary from the Nazi Government and enjoyed the emoluments of public office (3724-PS).

(3) *Conclusion.* Schacht's assistance in the earlier phase of the conspiracy was an important factor in enabling the conspirators to seize the German state and thus pave the way for their later crimes. His work was indispensable to the rearmament.

ment of Germany and to the economic planning and preparation required to launch the German wars of aggression. As long as he remained in power, he worked as eagerly for the preparation of aggressive war as any of his co-conspirators. He personally was favorably disposed towards aggression, if "Lebensraum" for Germany could not otherwise be attained. He knew that Hitler intended to and would break the peace, and with this knowledge, he willingly and purposely contributed his efforts. His withdrawal from three of his four posts reflected no moral feeling against the use of aggressive warfare as an instrument of national policy; he withdrew for reasons wholly unrelated to Hitler's program of illegal aggression. By the time of his withdrawal from these three positions, he had already provided his co-conspirators with the physical means and economic planning necessary to launch and maintain their wars of aggression; and he continued in his lucrative fourth position (Minister without Portfolio) until January 1943—until, in short, it became doubtful whether the conspirators could maintain the successes which they had gained in the wars they had illegally launched and were waging.

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	trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
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*1168-PS	Unsigned Schacht memorandum to Hitler, 3 May 1935, concerning the financing of the armament program. (USA 37).....	III	827
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13. GUSTAV KRUPP von BOHLEN und HALBACH *

A. IN FURTHERANCE OF THE NAZI CONSPIRACY, KRUPP CIRCUMVENTED THE RESTRICTIONS IMPOSED BY THE TREATY OF VERSAILLES ON THE REARMAMENT OF GERMANY. AS THE RESPONSIBLE HEAD OF THE HUGE ARMAMENTS CONCERN, FRIED. KRUPP A.G., HE CONCEALED ITS ARMAMENT ACTIVITY IN ORDER TO DECEIVE THE ALLIED GOVERNMENTS. HE WAS, THEREFORE, IN A POSITION TO PROMOTE THE OBJECTIVES OF THE CONSPIRACY BY THE RAPID PRODUCTION OF MUNITIONS OF WAR ON A HUGE SCALE AFTER THE CONSPIRATORS' ACCESSION TO POWER.

In an article entitled "Manager and Armament Worker" written for the 1 March 1942 issue of the Krupp magazine, Krupp stated:

"* * * I knew German history well, and out of my experiences in the rest of the world I believed to know the German kind; therefore I never doubted that, although for the time being all indications were against it, one day a change would come. How, I never knew or asked, but I believed in it. But with this knowledge—and today I may speak about these things and for the first time I am doing this extensively and publicly—with this, as responsible head of the Krupp works, consequences of the greatest importance had to be taken. If Germany should ever be reborn, if it should shake off the chains of Versailles one day, the Krupp concern had to be prepared again. * * *"

"* * * I wanted and had to maintain Krupp, in spite of all opposition, as an armament plant for the later future, even if in camouflaged form. I could only speak in the smallest, most intimate circles about the real reasons which made me undertake the changeover of the plants for certain lines of production for I had to expect that many people would not understand me, * * *"

* Since the name of Gustav Krupp von Bohlen und Halbach was severed from the Nurnberg trial which commenced on 20 November 1945, the trial brief outlining the case against Krupp, which was prepared before his severance, was not presented to the Tribunal. Despite his personal absence from the prisoners' dock, however, Krupp remained technically still under indictment and liable to prosecution in subsequent proceedings. Moreover, Krupp was still regarded by the prosecution as a member of the Nazi conspiracy. The following summary of evidence, adapted from the trial brief, is included here in order to show the role played by Krupp as co-conspirator.

"Without arousing any commotion, the necessary measures and preparations were undertaken. Thus to the surprise of many people Krupp began to manufacture goods which really appeared to be far distant from the former work of an armament plant. Even the Allied snooping commissions were duped. Padlocks, milk cans, cash registers, track repair machines, trash carts and similar 'small junk' appeared really unsuspecting and even locomotives and automobiles made an entirely 'civilian' impression.

"After the accession to power of Adolf Hitler I had the satisfaction of being able to report to the Fuehrer that Krupps stood ready, after a short warming-up period, to begin the rearmament of the German people without any gaps of experience, —the blood of the comrades of KAR. Saturday 1923 had not been shed in vain. Since that time I was often permitted to accompany the Fuehrer through the old and new workshops and to experience how the workers of Krupp cheered him in gratitude. In the years after 1933 we worked with an incredible intensity and when the war did break out the speed and results were again increased. We are all proud of having thus contributed to the heretofore magnificent successes of our army."

* * * * *

"I have always considered it to be an honour as well as an obligation to be the head of an arms factory and I know that the employees of Krupp share these feelings. Thanks to the educational work of the National Socialist Government this is the case all over Germany. I know that the things I have said here about the armament worker in particular hold true for every German worker. With these men and women who work for the cause with all their hearts, with cool heads and skilled hands we will master every fate." (D-94; see D-64).

In a memorandum of a conference held on 9 December 1942, concerning the proposed publication of a book dealing with Krupp's armament activities, Von Bulow, confidential secretary to Krupp, wrote:

"For the period of transition from 1919 up to rearmament, A. K. [Krupp] had undertaken various tasks in order to keep up the Company's activity in the field of artillery, in the sense of observing activities in that field in the rest of the world (relation: BOFORS) and then also for the production of artillery material, within and to a certain extent also be-

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yond, the limitation established by the peace dictate.” (D-249).

B. AFTER THE CONSPIRATORS' ACCESSION TO POWER, KRUPP LENT HIS INFLUENCE, PRESTIGE, AND FINANCIAL SUPPORT TO THE CONSOLIDATION OF THEIR CONTROL OVER THE GERMAN STATE.

(1) With knowledge of the aims and purposes of the Nazi conspiracy, he sought to reorganize the Reich Association of German Industry, of which he was Chairman, so as to bring it into line with the aims of the conspirators and to make it an effective instrument for the execution of their policies.

(a) Upon the invitation of Goering (D-201), Krupp attended a meeting in Berlin on 20 February 1933, during which Hitler, in a speech to a select group of industrialists, announced the conspirators' aims to seize totalitarian control over Germany, to destroy the parliamentary system, to crush all opposition by force, and to restore the power of the *Wehrmacht*. In the course of this speech, Hitler stated:

“Private enterprise cannot be maintained in the age of Democracy; it is conceivable only if the people have a sound idea of authority and personality. * * * Life always tears up humanity. It is therefore the noblest task of a Leader to find ideals that are stronger than the factors that pull the people apart. I recognized even while in the hospital that one had to search for new ideas conducive to reconstruction. I found them in Nationalism, in the value of personality, in the denial of reconciliation between nations, in the strength and power of individual personality. * * * If one rejects pacifism, one must put a new idea in its place immediately. Everything must be pushed aside, must be replaced by something better.”

“* * * We must not forget that all the benefits of culture must be introduced more or less with an iron fist, just as once upon a time the farmers were forced to plant potatoes. For all this, however, courage, and iron will and perseverance are essential.”

“* * * With the very same courage with which we go to work to make up for what had been sinned during the last 14 years, we have withstood all attempts to move us off the right way. We have turned down the favour (benevolence) of the Catholic Centre Party [*Zentrum*] to tolerate us.

Hugenberg has too small a movement. He has only considerably slowed down our development. We must first gain complete power if we want to crush the other side completely. While still gaining power one should not start the struggle against the opponent. Only when one knows that one has reached the pinnacle of power, that there is no further possible upward development, shall one strike.
* * *

"Now we stand before the last election. Regardless of the outcome there will be no retreat, even if the coming election does not bring about a decision. One way or another, if the election does not decide, the decision must be brought about even by other means. I have intervened in order to give the people once more the chance to decide their fate by themselves. This determination is a strong asset for whatever must possibly happen later. Does the election bring no result, well, Germany won't go to ruin. Today, as never before, everyone is under the obligation to pledge himself to success. The necessity to make sacrifices has never been greater than now. For Economy I have the one wish that it go parallel with the internal structure to meet a calm future. The question of restoration of the Wehrmacht will not be decided at Geneva, but in Germany, when we have gained internal strength through internal peace. * * * There are only two possibilities, either to crowd back the opponent on constitutional grounds, and for this purpose once more this election or a struggle will be conducted with other weapons, which may demand greater sacrifices. I would like to see them avoided. I hope the German people thus recognize the greatness of the hour. It shall decide over the next 10 or probably even 100 years. It will become a turning point in German history, to which I pledge myself with glowing energy." (D-203).

At this same meeting, Goering declared that the impending election of 5 March 1933 would certainly be the last one for the next 10 years, and probably even for the next 100 years (D-203).

In a memorandum dated 22 February 1933 describing this meeting, Krupp wrote that he had expressed to Hitler the gratitude of approximately 25 industrialists present for the clear expression of his views and emphasized, on behalf of all present, that it was time to clarify the political situation in Germany (D-204).

(b) On 25 April 1933, Krupp, as Chairman of the Reich Association of German Industry (*Reichsverbandes der Deutschen In-*

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dustrie) submitted to Hitler his plan for the reorganization of German industry and in connection therewith, undertook to bring the Association into line with the aims of the conspirators and to make it an effective instrument for the execution of their policies.

1. In the letter of transmittal, Krupp stated that his plan of reorganization was characterized by the desire to coordinate "economic measures and political necessity, adopting the Fuehrer's conception of the New German State" (*D-157*).

2. In the plan of reorganization itself Krupp stated:

"The turn of political events is in line with the wishes which I myself and the Board of Directors have cherished for a long time. I am convinced that, under the threat of the impoverishment of our people, the machinery of government must be simplified to the utmost. For the same reason I did not fail to recognize a long time ago the necessity of rationalizing our economic system.

"Convinced that the opportunity of the hour must not be missed to obtain the best for our economic system, I am employing the authority bestowed upon me by the Presiding Council to carry out a double task:—

1. In the negotiations with the Reichschancellor and his representatives I shall make it my goal to coordinate, in the field of organization of industrial associations, the economically reasonable with the politically necessary.

2. In reorganizing the Reich Association of German Industry I shall be guided by the idea of bringing the new organization into agreement with the political aims of the Reich Government and at the same time to make it so rational and forceful that it can be an effective instrument of industrial enterprise, according to the relative importance of the industry." (*D-157*)

(*c*) In a speech delivered on 18 October 1933, on the occasion of the first meeting of the Committee for Industrial and Social policy of the Reich Association of German Industry, Krupp reaffirmed his aim to bring the Association into complete accord with the political goals of the Nazi government and stated, *inter alia*:

“* * * To have united the purposes of an entire Nation, is the great historical achievement of the man in whose strong hands our President has placed the fate of our people. When Reichschancellor and Fuehrer Adolf Hitler called the General Council of Economy together for the first time on the 20th of September, I had the honor to thank him for the confidence which he had put in the men of the practical business world by calling them to the General Council. I pledged to him unrestrained support in his Government in its exceedingly difficult task from all branches and organizations of Economy.

“I may repeat now what I said then: ‘The unshakable faith of our Reichschancellor and Fuehrer in the future of our people gives also to the men of business the courage and the strength to put everything in the reconstruction of a healthy National Economy in a strong National State under National Socialist leadership’.

“You, too, gentlemen, if I am certain of your confidence, are bound to this pledge. It holds in itself, for all of us, the deeply felt obligation to be the guarantors for the unconditional execution of the Fuehrer’s will in all links and branches of Industry. May the spirit of devotion to duty which inspires us always dominate this Committee’s conferences!

“I ask you, gentlemen, to rise and to join me in the toast: To the venerable President of the German Reich, General Field-marshal Von Hindenburg and the German People’s Chancellor and Fuehrer, Adolf Hitler: ‘*Sieg Heil*.’” (D-353).

(2) Krupp organized, sponsored, and made substantial financial contributions to the Hitler Fund (*Hitler Spende*), with knowledge that the funds were to be used to further the objectives of the SA and SS.

(a) In a letter to Schacht dated 30 May 1933, Krupp wrote: “As Dr. Hoettgen and I had the opportunity of mentioning to you yesterday, it is proposed to initiate a collection in the most far-reaching circles of German industry, including agriculture and the banking world, which is to be put at the disposal of the Fuehrer of the NSDAP in the name of ‘The Hitler Fund’, which would replace collections in many cases separately organized of the various NSDAP organizations and the Stahlhelm. It has been decided to appoint a management council for this central collection; I have accepted the chairmanship of the management council at the unanimous request of the principal federations, inspired by the wish to

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collaborate with my full strength in this task which is to be a symbol of gratitude to the Fuehrer of the nation." (D-151)

(b) A circular written by Hess in August 1933, which was found among Krupp's files, specifically states that one of the purposes of the Hitler Fund is "to put at the disposal of the Reich leadership the funds required for the unified execution of the tasks which fall to the lot of the SA, SS, ST, HJ, political organizations etc." (D-151).

In a letter dated 15 August 1934, from Lutze, Chief of Staff of the SA, which was found among Krupp's papers, authority was granted, with the approval of the Deputy Fuehrer, to Gauleiter Terboven to use a special part of the year's Hitler Fund in the interest of the SA in the Ruhr district (D-368).

(c) From the inception of the Hitler Fund until the collapse of Germany, the Fried. Krupp Cast Steel Works in Essen (main company in the Krupp organization) alone contributed 4,738,446 marks to that fund (D-325; the above figure is the total amount shown on the chart, not here reproduced*). This assistance to the Hitler Fund was supplemented by large contributions made by the other Krupp companies.

(3) Krupp, both privately and through the Krupp firm, made substantial contributions to the Nazi Party and affiliated organizations.

(a) For contributions by Fried. Krupp Cast Steel Works in Essen, see D-325.

(b) In June 1935, Krupp contributed 100,000 marks to the Nazi Party out of his personal account (D-332; D-373).

(4) In numerous public addresses, Krupp supported the measures adopted by the conspirators in the execution of their program.

(a) In a speech urging every German to approve Germany's withdrawal from the disarmament conference and the League of Nations, Krupp said:

"* * * Just as the 5th of March brought about the change from chaos to order, from disgrace to honor in domestic policy so, on November 12, the unanimous "Yes" of the German people concerning the foreign policy of the Reich Government, shall and must give ample proof to the entire world that every citizen who is worthy of the German name, stands uncondi-

* This and subsequent similar charts have been omitted from this publication because of their length and complexity, and the relative unimportance of the issue for which they have been cited.

tionally behind the Reich Government as led by the Reich Chancellor, and its foreign policy which is dictated by the commandment of self-respect."

* * * * *

"* * * When the radio broadcasts the results of the People's Election on the evening of November 12, the entire world must know that: Germany stands in the camp of Adolf Hitler." (D-393).

(b) In a speech delivered on 26 January 1934, Krupp expressed approval of the leadership principle in industrial relations, under which the entrepreneur became the leader and the workers became his followers. In the course of this speech he said:

"National-Socialism has liberated the German worker from the clutches of a doctrine which was basically hostile both for employer and employee. Adolf Hitler has returned the worker to his nation; he has made of him a disciplined soldier of labor and therefore our comrade. When, on the other hand, the new State awards to the enterpriser the role of leader in economy and labor, then we know that: Leadership has obligation!

"The enterpriser and his leading officers are the trustees for the material welfare of our people." (D-392).

(c) In a speech delivered on 10 August 1934, in connection with the plebiscite to approve Hitler's dual appointment as president and chancellor after Hindenburg's death, Krupp said:

"Let us all follow him now also, our Leader, our Reich—and People's Chancellor.

"In an exceptionally short time he has eliminated the quarrel between parties, has guaranteed unity to the Reich and has assured to every German pride to work, has brought the opportunity for work to the near future. On 19 August all our votes borne of deep trust and proven confidence shall go to the man acclaimed by those hearts of many thousands and millions who cannot, because of their age, go to the polls but who daily join us, who are permitted to vote, in the Cry:

Heil Hitler!" (D-386).

(d) In a speech dated 27 October 1935, Krupp stated:

"* * * Our thoughts fly therefore by themselves in this festive hour of our plant community, to the man whom we thank for the resurrection of our Nation: Adolf Hitler, the patron of German labour and German art. Unanimously we will confess and pledge ourselves to stand behind the

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Fuehrer and his movement today and forever and thereby to be of service to the idea of eternal Germany." (D-385)

(e) In a speech dated 1 May 1936, after the Nazis had re-occupied and fortified the Rhineland, Krupp stated:

"No greater recognition, no greater incentive to further common work accomplishment could have been given us than was done through the visit of our Fuehrer on March 27th of this year to our works and through his addresses from here. * * *"

"Never has a statesman fought for the soul of his people and for its wellbeing with such faith, such ardor, such endurance. We shall never forget how deeply we are indebted to him. * * * I only mention here the abolition of the parties and the unification of the people, the regaining of the sovereignty in the Rhineland, the extensive abolition of unemployment, the accomplishments of the labour service, the magnificent public buildings, the roads, bridges and canals. * * *"

* * * * *

"The world will have to get used to the fact that the voice of the Fuehrer is the voice of the whole German people. * * *"

"Jubileers and co-workers! We shall be thankful to fate that we were and are permitted to be eye and action witnesses of the great turning point in our German history, and we shall thank especially the divine destiny that it has presented us with a man like Adolf Hitler. Let us then combine all that which moves our hearts upon mention of this name into the cry: Our people and fatherland and its great Fuehrer Adolf Hitler

Sieg Heil!" (D-291).

C. UNDER KRUPP'S DIRECTION, THE KRUPP FIRM, BY DEVELOPING NEW INSTRUMENTS OF WAR AND PRODUCING HUGE QUANTITIES OF WAR MATERIALS, FURTHERED THE CONSPIRATORS' PROGRAM TO CREATE A POWERFUL MILITARY POTENTIAL.

(1) In a speech prepared in January 1944, for delivery at the University of Berlin, Krupp stated:

"* * * I don't see why this thought still flutters in many a head occasionally—that the production of war materials should be a sinister trade! No: war material is life-saving for one's own people and whoever works and performs in

these spheres can be proud of it; here enterprise as a whole finds its highest justification of existence. This justification—I may inject this here—crystallized especially during that time of the 'Interregnum', between 1919 and 1933, when Germany was lying-down disarmed. * * * It is the one great merit of the entire German war economy that it did not remain idle during those bad years, even though its activity could not be brought to light for obvious reasons. Through years of secret work, scientific and basic ground work was laid, in order to be ready again to work the German Armed Forces at the appointed hour, without loss of time or experience."

* * * * *

"Only through this secret activity of German enterprise, together with the experience gained meanwhile through production of peace time goods was it possible after 1933, to fall into step with the new tasks arrived at restoring Germany's military power, (only through all that) could the entirely new and various problems, brought up by the Fuehrer's Four Year's Plan for German enterprise, be mastered. * * *" (D-317)

(2) Krupp played a leading role in the design and production of new weapons for the German armed forces.

(a) In a memorandum concerning a conference held at the Federal Ministry for National Defense in Vienna on 25 September 1936, Pfirsch, a Krupp official, wrote:

"* * * in spite of the obstacles put in our way by the Treaty of Versailles, we had never been inactive throughout the postwar period, but had drawn upon the experience of the war in the creation of new types, and that we had won the prizes for almost every type in the competitions organized by our War Ministry for the construction of new artillery weapons, so much so that the guns introduced into the German Army of to-day, such as the 8.8 cm. anti-aircraft, the 10.5 cm. field gun, the heavy field howitzer and beyond them the larger calibres have been made according to our pattern." (D-152)

(b) In a memorandum dated 21 February 1944, Woelfert, a department chief in the Krupp concern, wrote:

"First a few facts about the development of tanks by Krupp. We are manufacturing tanks since 1928, which means before rearmament. We started studying on heavy tractors. Krupp built the first mass production tank, the Panzer I, which is

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also known as LaS. It was shown in public in 1935, the year when rearmament started, and made a great impression. We also originated the Panzer IV, or better the BW, which was especially at the beginning of the war one of the prime factors in our rapid advances into enemy country, so that to-day we are fighting on the Atlantic coast, in the South, and east and not on German soil. Even today we use the BW-base for many self-propelled guns, assault-guns, anti-aircraft guns etc." (D-96).

(c) In a letter to Hitler dated 24 July 1942, Krupp wrote:
"My Fuehrer!

"The big weapon, whose manufacturing is to be thanked to your command, has now proved its effectiveness. * * *

"True to an example set by Alfred Krupp in 1870, my wife and myself ask the favour that the Krupp works refrain from charging for this first finished product.

"To express my thanks to you, my Fuehrer, for the confidence shown in our plants and in us personally by entrusting such an order with us, is a pleasant duty for my wife and myself.

Sieg Heil!" (D-375)

(d) Krupp likewise made significant contributions to the production of Navy weapons and U-Boats (D-88; D-287).

(3) The rapid and progressive expansion in armament production by Krupp after the conspirators' accession to power is plainly shown by a chart prepared by Krupp officials concerning the production of war materials at the *Krupp Gustahlfabrik* in Essen (only one of the many companies in the Krupp organization). This chart shows that the production of war materials at that particular factory during the fiscal year, 1 October 1933 to 30 September 1934, was more than twice that of any previous year since 1929; that such production during the fiscal year, 1 October 1934 to 30 September 1935, was almost twice as great as the previous year; and that production of war materials continued thereafter at an accelerated rate with the result that during the fiscal year, 1 October 1938 to 30 September 1939, it was more than 10 times as great as it was during the period 1 October 1932 to 30 September 1933 (Chart entitled "Fried, Krupp Gustahlfabrik Essen, Turnover in War Material," not reproduced here). It should be noted that this chart shows only direct sales by the Essen factory of war materials to the German Armed Forces Ordnance Supply Department and sales to foreign countries of war materials easily recognizable as such. It does not

cover indirect sales, viz: the sale of products to other concerns which, in turn, used them to produce materials of war. (The chart entitled "Fried, Krupp and Branch Establishments, Inland Turn-over," not here reproduced, shows figures which include "indirect" sales of war materials by certain Krupp companies.)

D. KRUPP GOVERNED THE EXPORTS OF HIS FIRM IN THE LIGHT OF THE MILITARY REQUIREMENTS OF THE NAZI CONSPIRATORS AND THE ACCEPTED AND DISCHARGED IMPORTANT ADMINISTRATIVE RESPONSIBILITIES IN FURTHERANCE OF THE CONSPIRATORS' PROGRAM OF ECONOMIC MOBILIZATION FOR WAR.

(1) In a "strictly confidential" memorandum dated 25 March 1941, the following was reported:

"* * * The liberation of the Reich from the shackles of Versailles enabled Krupp to recommence the export of armaments. The German Government had, in fact, pressed for the matter. Military-political and Military-economic reasons were the cause. Krupp desired to come into the closest contact with the armament exports, so as to further the development of arms * * *"

* * * * *

"* * * By using all the forces at his [Krupp's] disposal and regardless of effort, costs and risk, considerable export contracts were secured, which served to obtain foreign currency or raw materials, and were, at the same time, politically desirable. * * *" (D-191)

In a memorandum dated 23 June 1937, concerning a Bulgarian order for armour plating which was discussed with German Army representatives, Reiff, a Krupp official, wrote:

"Major Olbrich showed himself aware quite evidently of the deeper reasons existing why Germany was anxious that this order should be booked. * * *" (D-154)

(2) At the request of the Inspector of War Production, Krupp became a Leader of War Production in 1937, and was charged with the responsibility of preparing and carrying out the mobilization of the armament industry and of directing it in time of war.

(a) In a "strictly confidential" letter dated 21 January 1937, the Inspector of War Production wrote to Krupp:

"The Reich Minister for War and the Supreme Commander of the Armed Forces has ordered that a Corps of Economic

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Leaders of War Production be recruited with immediate effect.

"The Economic Leaders of War Production in collaboration with the Armed Forces, are to be responsible for the preparing and carrying out of the mobilization of the armament industry and for directing it in time of war."

* * * * *

"A selected small circle of these persons is to act in an advisory capacity to the Armed Forces in all important economic questions both during peace and war.

"Subject to your approval, I intend to propose to the Reich Minister for War that you should be nominated as Economic Leader for War Production." (D-62)

(b) In connection with his acceptance of the position of Leader of War Production, Krupp submitted a "secret" document entitled, "Declaration of Political Attitude," dated 6 February 1937, in which he stated:

"I herewith declare that I stand by the National Socialist conception of the State without reserve and that I have not been active in any way against the interests of the people."

* * * * *

"I am aware that should I say or do anything which constitutes an attack against the National Socialist conception of the State, I must expect, in addition to legal proceedings, my dismissal from the post of Economic Leader of War Production." (D-63).

E. KRUPP SUPPORTED THE CONSPIRATORS' PROPAGANDA PROGRAM; LENT HIS ORGANIZATION TO THE DISSEMINATION OF NAZI PROPAGANDA ABROAD; AND USED HIS EMPLOYEES IN ESPIONAGE ACTIVITIES IN FURTHERANCE OF THE AIMS AND PURPOSES OF THE NAZI CONSPIRACY.

(1) In April 1933, Krupp contributed 20,000 marks to Rosenberg for the purpose of counteracting anti-Nazi propaganda abroad. In a letter to Krupp dated 26 April 1933, Rosenberg said:

"Once more my most cordial thanks for not having shunned the inconvenience of the journey in order to participate at yesterday's intimate conference. I am glad to determine, on the basis of our discussion, that you too welcome the organ-

ization of an active counter-action abroad, in the interest of State and Economy, and express to you the highest thanks for the support of a monetary kind as well, which you have subscribed to our work. Very shortly a quantity of material will be sent to you promptly and will subsequently be distributed throughout the world in a comprehensive compilation." (D-158; see also D-208 and D-242)

(2) In a memorandum dated 12 October 1939, entitled "Distribution of Official Propaganda Literature Abroad with the Help of our Foreign Connections," concerning a visit by a Mr. Lackmann of Ribbentrop's private foreign office, Von Raussendorff, a Krupp official, wrote:

"I informed Mr. L. that our Firm had put itself years ago at the disposal of official Bureaus for purposes of foreign propaganda and that we had supported all requests addressed to us to the utmost. * * * Only by personal handling can our connections abroad be used and kept receptive to effective propaganda. With the present lively activity of the 'Secret Service' it must be avoided, not only in the interest of our Firm but also in the interest of Germany as a whole, that our agents in neutral foreign countries would come through improper handling to the attention of the 'Secret Service' and economically ruined by it within a short time.

"* * * If additional distributions of propaganda literature were desired, a propaganda-leaflet should be sent to us, and after examining it, we would advise the official Bureau what quantity of such printed matter could be mailed abroad through us, at our expense, as heretofore." (D-206)

(3) In a memorandum dated 14 October 1937, concerning a visit by Menzel of the Intelligence Office of the Combined Services Ministry, Sonnenberg, a Krupp official, wrote:

"* * * Menzel asked for intelligence on foreign armaments (but not including matters published in newspapers) received by Krupp from their agents abroad and through other channels to be passed on a Combined Services Intelligence [Abwehrabteilung des RKM.]. * * *

"On our part we undertook to supply information to the Combined Ministry [RKM] as required." (D-167)

The results of a later visit by Menzel, in the company of *Kapitaen zur See* Globig, of the Information Department, Naval Armaments Branch, are reported in a memorandum dated 25

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June 1939 by Dr. Conn, a Krupp official. In the course of this memorandum, which is entitled "Intelligence and Information," Dr. Conn stated:

"1. *Kapitaen zur See Globig* whom I had known for a long time, spoke to me quite frankly and openly. It is therefore impossible to embody parts of our discussion in this report."

* * * * *

"Similarly to *Kapitaen zur See Globig* he [Menzel] stressed the point that in view of the progressive disappearance of public and easily accessible sources of information, the information obtained through our representatives abroad was of increasing value. This method of obtaining intelligence would have to be followed up much more drastically than in the past."

* * * * *

"His [Menzel's] third point was a request to utilize foreign visitors for obtaining intelligence. I replied that this was being done already, but that it was necessary to proceed very carefully, to avoid arousing suspicion on the part of the visitors."

"I gave him to understand that we were slightly disappointed with the collaboration with Intelligence [*Abwehr Abteilung*] since we had supplied information, but had received none in return. Menzel explained that Intelligence was only a collating centre and that they were merely passing on information, the value of which they were unable to judge by themselves, to the departments concerned; any information for us would therefore have to come from those departments only. Exceptions were only made in the case of intelligence of universal importance such as e.g. the long range gun [*Ferngeschuetz*] some time ago."

"This remark is important concerning the way in which we should present our information at Berlin. The departments receiving the information through Intelligence, must be able to see that it originates from Krupp, so that they might feel themselves under obligation to let us have some information in return." (D-167)

In a memorandum marked "secret," relating to foreign anti-aircraft guns, Sonnenberg wrote on 8 May 1939:

"I have gained the impression that from no other side do the respective Army departments get such far reaching support

in their investigation of foreign armaments as from Fr. Krupp." (D-170).

F. KRUPP PUBLICLY APPROVED THE SUCCESSIVE CRIMES AGAINST THE PEACE PERPETRATED BY THE NAZI CONSPIRATORS.

(1) In a speech dated 6 April 1938, shortly after Schuschnigg had been compelled to capitulate to the Nazi conspirators' threat of force, Krupp stated:

"At our family party, today as well, our first thought, our first glass, is raised in deep appreciation to our Fuehrer. We are still under the lasting impression of the mighty happenings of the last four weeks; so are those of us who until a short time ago were forced to wait impatiently for these developments outside our State frontiers. To the fulfillment of century-old dreams consciously arrived at, to the fulfillment of the life-long wish of Adolf Hitler—thanks to his faith, thanks to his determination, thanks to his heart, to him, our Fuehrer, a threefold, deeply thankful,

Sieg Heil." (D-391).

(2) In a speech dated 7 April 1938, Krupp, in urging all Germans in the impending election of 10 April to approve Hitler's invasion of Austria, stated:

"Three more days separate us from the day of the Plebiscite to which our Fuehrer calls us, from the Plebiscite concerning Greater Germany, at the same time a Plebiscite in which the proof of faith in our Fuehrer concerns every individual's conscience.

"Full with thanks for what Adolf Hitler has bestowed and secured for the German people in little more than five years' leadership through internal and external peace he is worthy of the deepest felt 'Yes' from everyone of us!

"To him, our Fuehrer and Chancellor a threefold

Sieg Heil!" (D-387)

(3) In a speech delivered on 13 October 1938, on the occasion of Hitler's visit to the Krupp works after the Nazi occupation of the Sudetenland, Krupp said:

"My Fuehrer,

"To be able to greet you at the Krupp Works, in our home, in the name of my wife and my own, as well as in the name of those close to me and also in that of the greater plant

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family, so shortly after the world-shaking events of the last weeks, is a great honour and a heart-felt joy to me.

"Perhaps no plant and no home can feel more deeply and more gratefully than ours the changes in the last decades; none can be more proudly conscious to be allowed to participate in the mighty tasks set by you.

"Before us stands now the basic and undeniable world-encircling success, in its total extent perhaps not fully grasped, which your faith and strong will, your nerves and your initiative have achieved.

"May no German ever forget how deeply gratitude therefore put us under obligation, how proud we may be to be recognized once more in the world as a free, equal, great German People.

"With the thanks of my family, of our plants, of our entire Ruhr District filled with the urge to work, I must express united gratitude, springing from a full warm heart, from the Sudeten District which is now a part of the German Reich."

* * * * *

"Heil to Thee, my Fuehrer." (D-304)

(4) Shortly after the conspirators launched their aggression against Poland, Krupp stated to the workers in his plant:

"The Fuehrer has made his decision, not lightheartedly but in the consciousness of responsibility to his people, to the entire future of the German Nation—we have all heard that in his Reichstag speech last Friday."

* * * * *

"A hard struggle, perhaps hardly appreciated to its fullest extent, lies before us. The entire German Nation must face this test of fire in unshakable unity, young or old, man or woman, everyone must and will do his duty at his post, do more than just what his duty demands and devote his entire strength to the task assigned to him. Therefore let us also, as Krupp Members remain determined. May God protect our Fuehrer and our people!" (D-363)

(5) In a speech dated 6 May 1941, commemorating the successes of the Nazi aggression in the West, Krupp stated:

"The one who, like myself, had the chance to visit and thoroughly inspect during the last weeks the fields where our superb troops made the breakthrough in the West—

"who could hear on that occasion the roar of our Airforce against England—

"who witnessed how our U-boats and speedboats distinguished themselves against the remains of England's sea-might—

"such a person is bound to be thankfully proud to be able to contribute through his labours to assure to our fighters the weapons which they need for their battle—

"such a person is and remains devotedly and respectfully conscious that the nicest machines, the most effective instruments mean little, no, nothing, without the complete unselfish and trusting share of the individual, whose trust is assured through his knowledge of, and his faith in, the genius of his Fuehrer, who embodies the worth of the German people, their honour and might. To him, our Fuehrer, we direct also in this hour in the Spring month of May our thoughts, renew our solemn oath, present our heartiest wishes and give thanks to him.

"Adolf Hitler—*Sieg Heil!*" (D-390)

G. KRUPP AS HEAD OF THE KRUPP CONCERN, IN FURTHERANCE OF THE COMMON PLAN TO EXPLOIT THE PEOPLE OF OCCUPIED COUNTRIES AND PRISONERS OF WAR, WAS RESPONSIBLE FOR COMPELLING PERSONS FORCIBLY DEPORTED FROM OCCUPIED COUNTRIES AND PRISONERS OF WAR TO WORK AGAINST THEIR WILL AND WITHOUT THEIR CONSENT IN THE MANUFACTURE OF ARMS AND MUNITIONS. THESE ACTS AND PRACTICES WERE CONTRARY TO ARTICLES 6 AND 52 OF THE HAGUE REGULATIONS, 1907, TO ARTICLE 31 OF THE PRISONERS OF WAR CONVENTION (GENEVA 1929), THE LAWS AND CUSTOMS OF WAR, AND TO ARTICLES 6(b) AND 6(c) OF THE CHARTER.

(1) Charts marked "secret" have been found which show the number and nationalities of prisoners of war and foreign workers employed in each of the workshops in the Fried. Krupp Cast Steel Works at Essen; for the period from December 1940 to 1 February 1945. These charts, when read in conjunction with an affidavit by a Krupp official concerning the materials produced in the various Essen workshops, reveal that French and Russian prisoners of war and slave laborers from virtually every country occupied by Germany were used in the production of arms and

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munitions. Thus, they were compelled to work in departments engaged in the construction of turrets for tanks and carriages for heavy Army and Navy guns; the assembling of marine gun turrets, 10.5 cm. marine guns, and 15 cm. torpedo-boat guns; the manufacture of crankshafts for S-boats and aeroplanes, etc. (Charts and affidavit relating to production in the workshops of Fried. Krupp Cast Steel Works by prisoners of war and foreign workers, not here reproduced.) Affidavits of workers in the Krupp workshops afford added proof that prisoners of war and foreign laborers were used by Krupp in the manufacture of arms and munitions (see *D-253*, *D-265*, *D-279*).

(2) The prisoners of war and foreign workers at the Krupp factories did not voluntarily engage in the manufacture of arms and munitions; they were forced to do so. This fact is clearly shown by the following:

(a) Workers were brought to Essen from Poland and Russia in grossly overcrowded, unheated, and unsanitary cattle cars and upon debarking, were beaten, kicked, and otherwise inhumanely treated. An employee of the Reich Railway at Essen has described these conditions as follows:

"* * * In the middle of 1941 the first workers arrived from Poland, Galicia and Polish Ukraine. They came to Essen in goods wagons in which potatoes, building materials and also cattle have been transported; they were brought to perform work at Krupp. The cars were jammed full with people. * * * The people were squashed closely together and they had no room for free movement. The Krupp overseers laid special value on the speed the slave workers got in and out of the train. * * * the people were beaten and kicked and generally maltreated in a brutal manner. * * * I could see with my own eyes that sick people who could scarcely walk * * * were taken to work. One could see that it was sometimes difficult for them to move themselves. The same can be said for the Eastern workers and PWs who came to Essen in the middle of 1942." (*D-321*; *D-367*).

(b) Foreign workers were compelled to go to work under guard and were closely watched. In a memorandum dated 7 April 1942, entitled "employment of foreign workers", from the Ignitor workshop of the Krupp Essen plant, it is stated:

"In the course of last week, due to the fact that the foreign workers, especially Poles, could not be relied upon to appear

at work, there was an extraordinary decrease in production; loss of money and fines did not obtain the desired results.

"Especially during short (bank) holidays we were not able to find a responsible person in the camp Seumannstrasse, to whom we could have referred. We ourselves are short of guards to fetch the Poles from their camp, and to guard them overnight." (D-270; re compulsion exerted by guards in marching foreign workers to work, see also D-253).

(c) After working hours, foreign workers were confined in camps under barbed wire enclosures and were carefully guarded. Dr. Jaeger, senior camp doctor in Krupp's workers' camps, has stated in an affidavit:

"The eastern workers and Poles who laboured in the Krupp works at Essen were kept at camps at Seumannstrasse, Spenlestrasse, Grieperstrasse, Heegstrasse, Germaniastasse, Kapitan-Lehmannstrasse, Dechenschule, and Kramerplatz.
* * * All these camps were surrounded by barbed wire and were closely guarded." (D-288)

H. CONTRARY TO ARTICLES 4, 6, 7, AND 46 OF THE HAGUE REGULATIONS, 1907, ARTICLES 2 AND 3 OF THE PRISONERS OF WAR CONVENTION (GENEVA 1929), THE LAWS AND CUSTOMS OF WAR, AND ARTICLES 6(b) AND 6(c) OF THE CHARTER, KRUPP, AS HEAD OF THE KRUPP CONCERN, WAS RESPONSIBLE FOR DENYING ADEQUATE FOOD, SHELTER, CLOTHING, AND MEDICAL CARE AND ATTENTION TO PRISONERS OF WAR AND WORKERS FORCIBLY DEPORTED FROM OCCUPIED COUNTRIES, FOR FORCING THEM TO WORK UNDER INHUMANE CONDITIONS, AND FOR TORTURING THEM AND SUBJECTING THEM TO INDIGNITIES.

(1) The prisoners of war and foreign laborers at the Krupp works were undernourished and forced to work on a virtual starvation diet.

(a) In a memorandum upon Krupp stationery to Mr. Hupe, Director of the Krupp locomotive factory in Essen, dated 14 March 1942 and entitled "Employment of Russians", it was said:

"During the last few days we have established that the food for the Russians employed here is so miserable, that the people are getting weaker from day to day.

"Investigations showed that single Russians are not able

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to place a piece of metal for turning into position for instance, because of lack of physical strength. The same conditions exist at all places of work where Russians are employed." (D-316)

(b) In a memorandum dated 18 March 1942, the following was reported from the Krupp armoured car repair shop:

"I got the food this evening after Mr. Balz telephoned, but I had quite a struggle with the people responsible in the camp before I got anything at all. They always told me that the people had already received the day's rations and there wasn't any more. What the gentlemen understand under a day's ration is a complete puzzle to me. The food as a whole was a puzzle too, because they ladled me out the thinnest of any already watery soup. It was literally water with a handful of turnips and it looked as if it were washing up water.

"Please tell Mr. Balz again definitely so that the matter is finally cleared up, that it cannot continue having people perish here at work." (D-310)

(c) In a memorandum dated 20 March 1942 to Mr. Ihn, one of the Krupp Directors, Dinkelacker, a Krupp official, wrote:

"The Deputy Works Manager Mr. Mustin, who also employs a number of such Russian workers and who is quite satisfied with their performance, went to the camp in Kramerplatz on my inducement and had a talk with Mr. Welberg, the Camp Commandant. Mr. Hassel from the Works Police who was present at the time, butted in and declared that one should not believe what the people said. Also that one was dealing with Bolsheviks and they ought to have beatings substituted for food." (D-318)

(d) In a memorandum dated 26 March 1942, to Mr. Hupe concerning the use of Russian prisoners of war and civilian workers, it was reported:

"The reason why the Russians are not capable of production is, in my opinion, that the food which they are given will never give them the strength for working which you hope for. The food one day, for instance, consisted of a watery soup with cabbage leaves and a few pieces of turnip. The punctual appearance of the food leaves a good deal to be desired too." (D-297)

(e) In a memorandum dated 8 December 1942, Haller, a Krupp official, wrote:

"The complaints from our foreign workers about insufficient food have increased lately. * * *"

"We experienced a very forcible confirmation of these complaints the other day when we drew the food for the Eastern workers from the kitchen in Kramerplatz. On 5.12.42 the midday meal contained unpeeled, whole potatoes which were not even properly cooked; on 7.12.42, there was soup on which cabbage leaves floated, the sight of which made me feel sick." (D-366)

(f) Dr. Jaeger, senior camp doctor in the Krupps' workers' camps, has stated under oath that not only did the plan for food distribution to foreign workers call for a very small quantity of meat every week, but also that they received only contaminated meats rejected by the health authorities, such as horse or tuberculin infested meat (D-288).

(2) The prisoners of war and foreign workers at the Krupp factories were forced to live in grossly overcrowded hutted camps and otherwise were denied adequate shelter.

(a) In a sworn statement, Dr. Jaeger, senior camp doctor of the Krupp workers' camps, has stated with respect to the Krupp camps at which the eastern workers and Poles were kept:

"Conditions in all these camps were extremely bad. The camps were greatly overcrowded. In some camps there were over twice as many people in a barrack as health conditions permitted."

* * * * *

"Sanitary conditions were exceedingly bad. At Kramerplatz, where approximately 1,200 eastern workers were crowded into the rooms of an old school, the sanitary conditions were atrocious in the extreme. Only 10 children's toilets were available for the 1,200 inhabitants. At Dechenschule, 15 children's toilets were available for the 400-500 eastern workers. Excretion contaminated the entire floors of these lavatories. There were also very few facilities for washing." (D-288)

(b) Statistics upon the Krupp camps compiled by Krupp officials in 1942 for the Essen health authorities show that in the Krupp Seumannstrasse camp 1784 beds were compressed into a surface area of 7844 square meters; in the Krupp Bottroperstrasse camp 874 beds were crowded into a surface area of 3585 square meters; and that in other Krupp camps the congestion was even greater (D-143).

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(c) In a memorandum dated 12 June 1944, Dr. Stinnesbeck, a doctor retained by the Krupp works, reported, with respect to the Krupp prisoner of war camp at Noggerathstrasse that:

"315 prisoners are still accommodated in the camp. 170 of these are no longer in barracks but in the tunnel in Grunerstrasse under the Essen-Mulheim railway line. This tunnel is damp and is not suitable for continued accommodation of human beings. The rest of the prisoners are accommodated in 10 different factories in Krupps works." (D-335)

(d) In a special medical report marked "strictly confidential", dated 2 September 1944, concerning the same prisoner of war camp, Dr. Jaeger wrote:

"The P. O. W. camp in the Noggerathstrasse is in a frightful condition. The people live in ash bins, dog kennels, old baking ovens and in self-made huts." (D-339).

(3) The prisoners of war and foreign workers at the Krupp factories were denied adequate clothing.

(a) Dr. Jaeger, senior camp doctor in Krupps' workers' camps, has stated under oath:

"The clothing of the eastern workers was likewise completely inadequate. They worked and slept in the same clothing in which they had arrived from the east. Virtually all of them had no overcoats and were compelled, therefore, to use their blankets as coats in cold and rainy weather. In view of the shortage of shoes, many workers were forced to go to work in their bare feet, even in the winter. Wooden shoes were given to some of the workers, but their quality was such as to give the workers sore feet. Many workers preferred to go to work in their bare feet rather than endure the suffering caused by the wooden shoes. Apart from the wooden shoes, no clothing of any kind was issued to the workers until the latter part of 1943, when a single blue work suit was issued to some of them. To my knowledge, this represented the sole issue of clothing to the workers from the time of their arrival until the American forces entered Essen." (D-288)

(b) In a memorandum to Mr. Ihn, a Krupp director, dated 20 October 1942, Dr. Wiehle, head of the Krupp hospital in Essen, wrote:

"It has already been pointed out several times at conferences that the clothing for Eastern workers, men and women, is not sufficient. With regard to the cold weather, the camp

physician today called our attention to the fact that the number of colds is going up because of the question of insufficient clothing.

"Many of the men and women still have to go barefooted. They have no underwear and it often happens that people who wear foot bandages because of injuries walk barefooted on these bandages." (*D-271*; see also *D-355*, *D-312*)

(4) Prisoners of war and foreign laborers at the Krupp works were denied adequate medical care and treatment, and as a consequence, suffered severely from a multitude of diseases and ailments.

(a) In the above mentioned affidavit, Dr. Jaeger has stated:

"The percentage of eastern workers who were ill was twice as great as among the Germans. Tuberculosis was particularly widespread among the eastern workers. The T.B. rate among them was 4 times the normal rate (2% eastern workers, Germans .5%). At Dechenschule approximately 21½% of the workers suffered from open T.B. These were all active T.B. cases. The Tartars and Kirghiz suffered most; as soon as they were overcome by this disease they collapsed like flies. The cause was bad housing, the poor quality and insufficient quantity of food, overwork, and insufficient rest.

"These workers were likewise afflicted with spotted fever. Lice, the carrier of this disease, together with countless fleas, bugs and other vermin, tortured the inhabitants of these camps. As a result of the filthy conditions of the camps nearly all eastern workers were afflicted with skin disease. The shortage of food also caused many cases of Hunger-Odem, Nephritis and Shighakruse.

"It was the general rule that workers were compelled to go to work unless a camp doctor had prescribed that they were unfit for work. At Seumannstrasse, Griepierstrasse, Germaniastasse, Kapitan-Lehmanstrasse, and Dechenschule, there was no daily sick call. At these camps, the doctors did not appear for two or three days. As a consequence, workers were forced to go to work despite illnesses."

* * * * *

"At the end of 1943, or the beginning of 1944,—I am not completely sure of the exact date—I obtained permission for the first time to visit the prisoner of war camps. My inspection revealed that conditions at these camps were even

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worse than those I had found at the camps of the eastern workers in 1942. Medical supplies at such camps were virtually non-existent. In an effort to cure this intolerable situation, I contacted the *Wehrmacht* authorities whose duty it was to provide medical care for the prisoners of war. My persistent efforts came to nothing. After visiting and pressing them over a period of two weeks, I was given a total of 100 aspirin tablets for over 3,000 prisoners of war." (D-288)

(b) In a memorandum dated 7 May 1943, prepared at the Krupp hospital, entitled "Deaths of Eastern Workers," report was made of the death of 54 "eastern workers." Of this number, 38 died of tuberculosis, 2 of undernourishment, and 2 of intestinal disease. (D-283)

(c) In his "strictly confidential" report concerning the prisoner of war camp at Noggerathstrasse, Dr. Jaeger reported:

"The food is barely sufficient. Krupp is responsible for housing and feeding. The supply of medicine and bandages is so extremely bad that proper medical treatment was not possible in many cases. This fact is detrimental to the P. W. camp. It is astonishing that the number of sick is not higher than it is and it moves between 9 and 10 percent." (D-339; also D-313).

(d) In a special medical report dated 28 July 1944, Dr. Jaeger wrote:

"The sick barrack in Camp Rabenhorst is in such bad condition, one cannot speak of a sick barrack anymore. The rain leaks through in every corner. The housing of the ill is therefore impossible. The necessary labour for production is in danger because those persons who are ill cannot recover.

* * *" (D-338)

(5) Russian juveniles were compelled to work at the Krupp factories, and prisoners of war and foreign workers were generally forced to work long hours, to and beyond the point of exhaustion.

(a) In a memorandum marked "secret", dated 14 August 1942, Reiff, a Krupp official, wrote:

"* * * I am under the impression that the better Russian workers are first of all chosen for the works in Central and Eastern Germany. We really get the bad remainders only. Just now 600 Russians, consisting of 450 women and 150 juveniles, 14 years of age, arrived." (D-348; similar proof is contained in D-281).

(b) In a memorandum from the Chief of the Krupp Camp Catering Department, it is stated:

"* * * It is to be considered that foreigners must work 12 hours on principle out of which, 1 hour counts as a break and consequently will not be paid." (D-233; for evidence concerning complete exhaustion of foreign workers and prisoners of war, see D-313).

(6) The prisoners of war and foreign laborers used at the Krupp works were beaten, tortured, and subjected to inhuman indignities.

(a) In a sworn statement, Heinrich Buschhauer has stated:

"* * * I admit that I hit Russians. The Russians were very willing and attentive. The clothing of the Russians was very bad and torn. Their feet were wrapped in rags. The appearance of the people was bad, they were thin and pale. Their cheeks had fallen in completely. In spite of this, I was forced to ill-treat the people on the orders of works manager Theile. I have boxed the people's ears and beaten them with a $\frac{3}{4}$ rubber tube and a wooden stick. * * * The more energetic I went against these people, the more the Works Manager liked it. I * * * had to drive and beat the Russians in order to get increased production from them. At times, I had up to two thousand foreigners under me. The Russians could not possibly work more than they did, because the food was too bad and too little. The Works management, however, wanted to get still higher performance from them. It often happened that the Russians, so utterly weakened, collapsed. * * *"

* * * * *

"The conditions which I have described above continued the whole of the years I was in the boiler making department. On 20th February 1943, I was transferred from the boiler making shop to Nidia." (D-305).

(b) Walter Thoene, a Krupp employee, likewise admitted in a sworn statement that he constantly beat foreign workers. He stated:

"I admit that I punched and beat Hungarian Jewesses who I had to supervise in No. 3 Steel Moulding Shop. I did not do this of my own free will but was ordered to do so by my works manager Reif, who was a Party Member like I was. Almost every day this unscrupulous man held me to it in no mistakable manner to driving on these Jewesses and getting

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better performances from them. He also always emphasized that I should not be trivial in the choice of means, and if necessary, hit them like hitting a piece of cold iron. As soon as I saw that these women were standing near the ovens, I had to drive them back to their work." (D-355)

Comparable admission were made by August Kleinschmidt, another Krupp employee. (D-306)

(c) Dr. Apolinary Gotowicki, a doctor in the Polish Army, who was taken a prisoner of war and in that capacity attended some Russian, Polish and French prisoners of war at the Krupp factories, has stated under oath:

" * * * Every day, at least 10 people were brought to me whose bodies were covered with bruises on account of the continual beatings with rubber tubes, steel switches or sticks. The people were often writhing with agony and it was impossible for me to give them even a little medical aid. * * * I could notice people daily who on account of hunger or ill-treatment, were slowly dying. Dead people often lay for 2 or 3 days on the paillies until their bodies stank so badly that fellow prisoners took them outside and buried them somewhere. * * * I have seen with my own eyes the prisoners coming back from Krupps and how they collapsed on the march and had to be wheeled back on barrows or carried by their comrades. * * * The work which they had to perform was very heavy and dangerous and many cases happened where people had cut their fingers, hands or legs. These accidents were very serious and the people came to me and asked me for medical help. But it wasn't even possible for me to keep them from work for a day or two, although I had been to the Krupp directorate and asked for permission to do so. At the end of 1941, 2 people died daily and in 1942 the deaths increased to 3-4 per day." (D-313)

(d) A particular form of torture which was inflicted upon Russian workers was a steel cabinet specially manufactured by Krupp, into which workers were thrown after beatings. The cabinets are shown in photographs attached to a sworn statement wherein it is stated:

"Photograph 'A' shows an iron cupboard which was specially manufactured by the Firm of Krupp to torture Russian civilian workers to such an extent that it is impossible to describe. Men and women were often locked in one compartment of the cupboard, in which a man could scarcely stand,

for long periods. The measurements of this compartment are height 1.52 meters, breadth and depth 40 to 50 cm. each. In fact, people were often kicked and pressed into one compartment in pairs. At the top of the cupboard, there were sieve-like air holes through which cold water was poured on the unfortunate victims during the ice-cold winter."

(D-382; for further evidence of constant beatings of foreign workers, see D-253, D-312, D-354, and D-267).

(e) Records found in the Krupp files plainly indicate that the practice of beating and torturing prisoners of war and foreign workers was deliberately prescribed by Krupp officials. Steel switches which were used to beat the workers were distributed pursuant to the instructions of Kupke, head of the Krupp camps for foreign workers (D-230). In a memorandum dated 19 March 1942, from the Krupp Works Catering Department, it was said:

"* * * With regards to the times ahead it seems desirable to us, to draw attention to the authorities concerned, with the necessary pressure, to the fact that only severest treatment of the French prisoners of war will ensure that they maintain their performance even with the present food position, which is the same for German workers." (D-278).

As previously shown, Hassel, an official in the Krupp works police, stated that the Russians "ought to have beatings substituted for food" (D-318).

(7) The Krupp companies specifically requested and actively sought out the employment of prisoners of war and foreign laborers.

(a) In a memorandum dated 13 July 1942 by Weinhold, a Krupp official, complaint was registered over the fact that "the foreign laborers are only available two to three months after they have been asked for by us." (D-281).

(b) In a letter to the Krupp firm dated 27 August 1942, Colonel Zimmerman of the *Oberkommando des Heeres*, said:

"According to our estimate, there ought to be enough workers in your ignitor workshops to reach the demanded production figure. This especially, as the 105 Russians, demanded by your firm at the Conference of the special committee M 111 on the 24.4.42, were assigned to your works at the beginning of June re-letter from Wa J Ru (Mun. 2).

* * *

"Unfortunately, I found out at the sitting of the special committee M 111 on the 26.8.42 that the firm of Krupp asks for another 55 workers, including 25 skilled labourers, with-

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out having a corresponding raise in the production figures. I cannot judge from here, what the reasons for this are." (D-345)

(c) In a memorandum dated 21 December 1942 concerning the possibility of the Krupp works obtaining additional conscripted French workers, Dr. Lehmann, a Krupp official, stated:

"* * * We discussed how far it would be possible for complete shifts of workers conscripted from French factories to be transferred to Essen. We are to collaborate as far as practicable in the splitting up of our requirements amongst individual military government offices and military police posts. So far as possible one of our representatives is to assist in the selection from amongst the conscripts." (D-196; see also D-280).

(8) Concentration camp laborers, who were brought to the Krupp works at the request of Krupp officials, were subjected to persecution, degradation, despoilment, and torture in a manner similar to that of prisoners of war and slave laborers.

(a) Mr. Ihn, a director of the Krupp firm, has stated in a signed but unsworn statement, that the Krupp firm first asked for concentration camp labor on 22 September 1942, and that the first group of them arrived "in the summer or autumn of 1944" (D-274).

(b) The fact that concentration camp labor was requested by the Krupp works; that such persons were to be confined behind barbed wire enclosures; and that they were to be closely guarded by SS personnel is further shown in a memorandum entitled "Visit of the Director of Distribution of Workers of the Weimar-Buchenwald Concentration Camp; SS Hauptsturmfuehrer Schwarz on 26-7-44", written by Trockel, a Krupp official. In the course of this memorandum, Trockel stated:

"Herr Schwarz came on behalf of his Commandant SS Standartenfuehrer Pister to talk over with us, the question of employment of K1 detainees. He pointed out that the employment of men could not be reckoned with for a considerable period. Our last request was for 700 women."

* * * * *

"As not less than 500 women would be assigned, we agreed that the figure should remain at 500 women in order that the assignment should not be endangered. * * *"

* * * * *

"* * * The main things are the erection of a barbed

wire fence in front of the hall which allows a small exit and the erection of a small barracks for the Commander of the guard and his duty office and for the German female guard personnel. * * *

* * * * *

"The SS are providing a guard consisting of guard commander and 10 men. For 520 women we have to name approx. 45 German women who will be sworn in to the SS, given 3 weeks training in the women's camp at Ravensbrück and then given full official supervision duties by the SS. * * *" (D-238)

(c) Dr. Jaeger, senior camp doctor in the Krupp camps, has described conditions at the camp which the Krupp works maintained for concentration camp labor as follows:

"Camp Humboldtstrasse had been inhabited by Italian prisoners of war. After it had been destroyed by an air raid, the Italians were removed and 600 Jewish females from Buchenwald Concentration Camp were brought in to work at the Krupp factories. Upon my first visit at Camp Humboldtstrasse, I found these females suffering from open festering wounds and other diseases.

"I was the first doctor they had seen for at least a fortnight. There was no doctor in attendance at the camp. There were no medical supplies in the camp. They had no shoes and went about in their bare feet. The sole clothing of each consisted of a sack with holes for their arms and head. Their hair was shorn. The camp was surrounded by barbed wire and closely guarded by SS guards.

"The amount of food in the camp was extremely meagre and of very poor quality. The houses in which they lived consisted of the ruins of former barracks and they afforded no shelter against rain and other weather conditions. I reported to my superiors that the guards lived and slept outside their barracks as one could not enter them without being attacked by 10, 20 and up to 30 fleas. One camp doctor employed by me refused to enter the camp again after he had been bitten very badly. I visited this camp with a Mr. Grono on two occasions and both times we left the camp badly bitten. We had great difficulty in getting rid of the fleas and insects which had attacked us. As a result of this attack by insects of this camp, I got large boils on my arms and the rest of my body. I asked my superiors at the Krupp works

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to undertake the necessary steps to delouse the camp so as to put an end to this unbearable, vermin-infested condition. Despite this report, I did not find any improvement in sanitary conditions at the camp on my second visit a fortnight later." (D-288)

(d) The conditions under which the concentration camp workers existed at the Krupp camps and factories and the indignities and barbarities to which they were subjected are vividly described in affidavits by such workers (D-256; D-277; D-272). In general, the affidavits disclose that these concentration camp laborers slept on bare floors of damp, windowless and lightless cellars; that they had no water for drinking or cleansing purposes; that they were compelled to do work far beyond their strength; that they were mercilessly beaten; that they were given one wretched meal a day, consisting of a dirty watery soup with a thin slice of black bread; and that many of them died from starvation, tuberculosis and overexertion. A chart entitled "Fried. Krupp *Berthawerk, Markstaedt* Breslau, Number of Occupied Foreigners, Prisoners of War and Concentration Camp Inmates" shows the use of concentration camp labor at that factory, as well as at the above-mentioned Krupp company in Essen (D-298).

(9) Charts prepared by Krupp officials show that in September 1943, the Krupp concerns employed 39,245 foreign workers and 11,224 prisoners of war, and that the number mounted steadily until September 1944, when 54,990 foreign workers and 18,902 prisoners of war were used (Chart entitled "Foreigners and Prisoners of War of the Krupp Concern"; chart entitled "Cast Steel Works, Number of Prisoners of War and Foreigners", not here reproduced.) The majority of the foreign laborers consisted of Russians, French, Poles, and Dutch.

I. AS REWARD FOR HIS PARTICIPATION IN THE NAZI CONSPIRATORS' PROGRAM, KRUPP REAPED LARGE PROFITS; WAS PERMITTED TO EXPAND HIS INDUSTRIAL EMPIRE, AND RECEIVED HIGH HONORS AND SPECIAL PRIVILEGES FROM THE NAZI GOVERNMENT.

(1) Although the Krupp companies operated at a substantial loss in the years immediately preceding Hitler's accession to power, the huge orders from the Nazi state enabled them to derive vast profits thereafter. In the fiscal year 1 October 1934 to 30 September 1935, the net profits of Fried. Krupp and subsidiaries, after the deduction of taxes, gifts and reserves recog-

nized by the tax authorities, amounted to 57,216,392 marks. In the fiscal year 1937 to 1938 these net profits rose to 97,071,632 marks, and in the fiscal year 1941 they amounted to 111,555,216 marks (Chart entitled "Income and Loss of the Fried. Krupp Combine"; Graph entitled "Profits or Losses of Fried. Krupp and Subsidiaries as Reported to Tax Authorities," not here reproduced.)

(2) Krupp was permitted, with the approval and at times connivance of Nazi officials, to extend in great measure his participation in other companies, both within and without Germany.

(a) On 1 October 1933 the participations of Fried. Krupp in other concerns had a book value of 75,962,000 marks. By 30 September 1942 the book value of the participations had grown to 132,944,000 marks. On 1 October 1942 the participation account was revalued and carried at a new figure of 187,924,621 marks. In the following year new acquisitions were made in the amount of 50,224,707 marks, so that the book value of the participations as of 1 October 1943 was 237,316,093 marks. Even this figure contains many going concerns in occupied countries which were arbitrarily assigned a book value of only 1 mark. Leaving out of account the revaluation of 1 October 1942, the participation account as of 1 October 1943 would have been 182,952,000 marks. The increment in the participation account is shown in a chart entitled, "Fried. Krupp Participations" (D-341). The expansion of the Krupp concern under the Nazi regime is likewise revealed by a comparison of charts showing the companies in the Krupp concern as of 30 September 1935 and 31 January 1944.

(b) Complete records of all acquisitions by Krupp have not been obtained because, according to Krupp officials, many records were lost or destroyed in air raids. Enough appears, however, to indicate that the Krupp firm did in fact call upon the Nazi authorities to facilitate or make possible the acquisition of property interests in occupied countries. Thus, when Mr. Erhard, the French custodian of Jewish property in France, resisted Krupp's attempts to acquire a lease of a plant at Liancourt, France, the Krupp concern enlisted the support of the Army to gain its objective. Under threat of replacement by a German official, the French custodian of Jewish property acceded to Krupp's demands. In a memorandum dated 29 July 1942, found in the Krupp files, it is stated:

"* * * M. Erhard delayed the negotiations to such an extent that finally the appropriate military authorities in

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Paris urged a settlement. This authority declared that if Mr. Erhard could not make up his mind to sell, at least he would have to give a three years' lease to Krupp.

"The custodianship would be taken away from Mr. Erhard and a German Commissar would be appointed unless the lease were granted in a very short time." (D-526).

(3) In recognition of his services to the Nazi State, Krupp was awarded the "Shield of the Eagle of the German Reich" with the inscription "To the German leader of Industry" (D-66).

(4) Because of his unique service to the military power of the Nazi State, Krupp was authorized by special decree of Hitler to transform Fried. Krupp A.G. into a private family concern in order to perpetuate control of the firm by a single member of the Krupp family.

(a) In a letter dated 11 November 1942 to Bormann, Krupp stated:

"* * * You have asked me to make proposals to you which would secure the future of the unified existence of the Krupp works more than this is feasible today. * * * On considering this question we have ascertained that under the present laws the principal solution of the question cannot be carried out. We had to find an entirely new way, therefore, which, just as the law regarding heritage of agricultural property, creates entirely new legislation." (D-99)

(b) In reply to the above letter, Bormann wrote to Krupp that:

"I have reported the contents of your letters of the 11/11 to the Fuehrer today. He instructed me to inform you that he would be readily prepared to arrange for any possible safeguarding for the continued existence of the works as a family enterprise; it would be the simplest to issue a '*Lex Krupp*' to start with." (D-101).

(c) Krupp's recognition of the unusual character of his proposal is indicated in his letter of 24 February 1943 to Lammers, wherein he said:

"Without doubt, the matter, which is without precedent in economic life, will have to be discussed with the Reichs Minister of Justice and the Reichs Minister of Finance also. * * *" (D-106).

(d) On 12 November 1943 Hitler signed the decree making possible the preservation of the Krupp firm as a family enterprise in recognition of the fact that

"for 132 years the firm of Fried. Krupp, as a family enterprise has achieved outstanding and unique merits for the armed strength of the German people." (D-120)

In a letter dated 16 November 1943, Lammers wrote to Krupp:

"On 12 November the Fuehrer signed the decree regarding the family enterprise of the firm Fried. Krupp. * * * May I express my heartiest congratulations to you, your wife and the firm Fried. Krupp on the great honor which has been conferred on the merits of the firm Fried. Krupp with this recognition by the Fuehrer." (D-124).

(e) As the final step in the proceeding, Hitler approved "the statute of the family enterprise Fried. Krupp" which gave effect to his decree of 12 November 1943 (D-131).

(f) In a letter of gratitude to Hitler dated 29 December 1943, Krupp stated:

"* * * By this, you have made a wish come true, which my wife and I had had for years, and thus relieved our hearts of great worry over the future of the Krupp works."

* * * * *

"My wife and I, as well as the whole family, are deeply grateful to you for this proof of your confidence. * * *"

"Our special thanks go to you, Mein Fuehrer, also for the great honour and recognition which you have awarded, in the introduction to your decree, to 130 years of the work of Krupps, the work of Krupps done by many generations of faithful followers, and steered and directed by 4 generations of the family Krupp." (D-135)

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LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO GUSTAV KRUPP VON BOHLEN UND HALBACH

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	<p>Charter of the International Military Tribunal, Article 6.....</p> <p>International Military Tribunal, Indictment Number 1, Section IV (H); Appendix A.....</p> <p>-----</p> <p>Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.</p> <p>-----</p>	<p>I</p> <p>I</p>	<p>5</p> <p>29,64</p>
*3054-PS	"The Nazi Plan", script of a motion picture composed of captured German film. (USA 167).....	V	801
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D-63	Declaration of political attitude by Krupp, 6 February 1937.....	VI	1029
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D-94	Article by Krupp, Manager and Armament Worker, from 1 March 1942 issue of Krupp magazine....	VI	1043
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*D-151	Krupp, Schacht and Hess correspondence in 1933 regarding the Hitler Fund. (GB 256; USA 831).	VI	1060
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14. KARL DOENITZ

A. NAVAL AND POLITICAL CAREER.

After his appointment in 1935 as commander of the Weddigen U-boat flotilla—the first flotilla to be formed after the World War in 1918—Doenitz, who thus became in effect commander of U-boats, rose steadily in rank as the U-boat arm expanded until he became an admiral. On 30 January 1943 he was appointed Grand Admiral and succeeded Raeder as Commander-in-Chief of the German Navy, retaining his command of the U-boat arm. Then, on 1 May 1945, he succeeded Hitler as leader of Germany (2887-PS).

Doenitz was awarded the following decorations: On 18 September 1939 he received the Cluster of the Iron Cross, first class, for the U-boat successes in the Baltic during the Polish campaign. This award was followed on 21 April 1940 by the high award of the Knight's Cross to the Iron Cross, while on 7 April 1943 he received personally from Hitler the Oak Leaf to the Knight's Cross of the Iron Cross, as the 223rd recipient.

Doenitz's services in building up the German Navy, and in particular the offensive U-boat arm, for the coming war, were outstanding. An extract from the official publication "*Das Archiv*" on the occasion of Doenitz's promotion to vice-admiral, dated 27 September 1940, reads as follows:

"* * * In four years of untiring and in the fullest sense of the word uninterrupted work of training, he [Doenitz] succeeds in developing the young U-boat arm, personnel, and material till it is a weapon of a striking power unexpected even by the experts. More than three million gross tons of sunken enemy shipping in only one year achieved with only few boats speak better than words of the services of this man." (D-436)

An extract from the diary for the German Navy, 1944 edition (1463-PS) emphasizes Doenitz's contribution. It describes in detail Doenitz's work in building up the U-boat arm; his ceaseless work in training night and day to close the gap of seventeen years, during which no training had taken place; his responsibility for new improvements and for devising the "pack" tactics which were later to become famous. His position is summarized further as follows:

"* * * In spite of the fact that his duties took on unmeasurable proportions since the beginning of the huge U-boat construction program, the chief was what he always

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was and always will be, leader and inspiration to all the forces under him. * * * In spite of all his duties, he never lost touch with his men and he showed a masterly understanding in adjusting himself to the changing fortunes of war." (1463-PS)

It was not only, however, his ability as a naval officer which won Doenitz these high honors: his promotion to succeed Raeder as Commander-in-Chief of the Navy; the personal position he acquired as one of Hitler's principal advisers; and finally, earlier candidates such as Goering having betrayed Hitler's trust or finding the position less attractive than they had anticipated, the doubtful honour of becoming Hitler's successor. These he owed to his fanatical adherence to Hitler and to the Party, to his belief in the Nazi ideology with which he sought to indoctrinate the Navy and the German people, and to his "masterly understanding in adjusting himself to the changing fortunes of war" (1463-PS), which may be regarded as synonymous with a capacity for utter ruthlessness.

B. INDOCTRINATION OF NAVAL PERSONNEL WITH NAZI POLITICAL IDEOLOGY.

Doenitz's attitude to the Nazi Party and its creed is shown by his public utterances. In a speech—subsequently circulated by Doenitz as a Top Secret document for senior officers only and by the hand of officers only—at a meeting of commanders of the Navy in Weimar on 17 December 1943, Doenitz stated (D-443):

"* * * I am a firm adherent of the idea of ideological education. For what is it in the main? Doing his duty is a matter of course for the soldier. But the whole importance, the whole weight of duty done, are only present when the heart and spiritual conviction have a voice in the matter. The result of duty done is then quite different to what it would be if I only carried out my task literally, obediently, and faithfully. It is therefore necessary for the soldier to support the execution of his duty with all his mental, all his spiritual energy, and for this his conviction, his ideology are indispensable. It is therefore necessary for us to train the soldier uniformly, comprehensively, that he may be adjusted ideologically to our Germany. Every dualism, every dissension in this connection, or every divergence, or unpreparedness, imply a weakness in all circumstances. He in whom this grows and thrives in unison is superior to the other. Then indeed the whole importance, the whole weight of his conviction

comes into play. It is also nonsense to say that the soldier or the officer must have no politics. The soldier embodies the state in which he lives; he is the representative, the articulate exponent of this state. He must therefore stand with his whole weight behind this state.

"We must travel this road from our deepest conviction. The Russian travels along it. We can only maintain ourselves in this war if we take part in it with holy zeal, with all our fanaticism.

"Not I alone can do this, but it can only be done with the aid of the man who holds the production of Europe in his hand, with Minister Speer. My ambition is to have as many warships for the Navy as possible so as to be able to fight and to strike. It does not matter to me who builds them." (D-443)

In a speech on the same subject by Doenitz as Commander-in-Chief of the Navy to the Commanders in Chief on 15 February 1944, he had this to say:

"From the very start the whole of the officer corps must be so indoctrinated that it feels itself co-responsible for the National Socialist State in its entirety. The officer is the exponent of the state; the idle chatter that the officer is non-political is sheer nonsense." (D-640)

Doenitz's position was made unmistakably clear in a speech which he made to the German Navy and the German people on Heroes' Day, 12 March 1944:

"German men and women!

"* * * What would have become of our country today, if the Fuehrer had not united us under National-Socialism! Split into parties, beset with the spreading poison of Jewry and vulnerable to it, and lacking, as a defense, our present uncompromising world outlook, we would long since have succumbed to the burdens of this war and been subject to the merciless destruction of our adversaries. * * *"
(2878-PS) A speech by Doenitz to the Navy on 21 July 1944 shows his fanaticism:

"Men of the Navy! Holy wrath and unlimited anger fill our hearts because of the criminal attempt which was intended to have cost the life of our beloved Fuehrer. Providence wished it otherwise—watched over and protected our Fuehrer, and did not abandon our German fatherland in the fight for its destiny." (2878-PS)

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And then he goes on to deal with the fate which should be meted out to the traitors.

The abolition of the German military salute and the adoption of the Nazi salute in the German forces was due to Doenitz along with Goering and Keitel (2878-PS).

When Adolf Hitler was reported dead, Doenitz spoke over the German radio announcing the Fuehrer's death and his own succession. The German announcer made this statement:

"It has been reported from the Fuehrer's Headquarters that our Fuehrer Adolf Hitler has died this afternoon in his battle headquarters at the Reichschancellery fighting to the last breath for Germany against Bolshevism.

"On the 30th April the Fuehrer nominated Grand Admiral Doenitz to be his successor. The Grand Admiral and Fuehrer's successor will speak to the German nation." (D-444)

Whereupon Doenitz spoke as follows:

"German men and women, soldiers of the German Armed Forces. Our Fuehrer Adolf Hitler is dead. The German people bow in deepest sorrow and respect. Early he had recognized the terrible danger of Bolshevism and had dedicated his life to the fight against it. His fight having ended, he died a hero's death in the capital of the German Reich, after having led an unmistakably straight and steady life." (D-444)

Doenitz proceeded to issue an order of the day, to the same effect (D-444).

C. PARTICIPATION IN PLANNING AND EXECUTION OF AGGRESSIVE WARS.

Apart from his services in building up the U-boat arm, there is ample evidence that Doenitz, as Officer Commanding U-boats, took part in the planning and execution of the aggressive wars against Poland, Norway, and Denmark.

(1) *Poland.* The distribution list on a memorandum by Raeder, dated 16 May 1939, shows that the sixth copy went to the *Fuehrer der Unterseeboote*, who was Doenitz. This document was a directive for the invasion of Poland (*Fall Weiss*) (C-126). Another memorandum from Raeder's headquarters, dated 2 August 1939, is addressed to the fleet, and The Flag Officer, U-boats — this is, Doenitz (C-126). This was merely a covering letter on operational directions for the precautionary employment of U-boats in the Atlantic in the event that the intention to

carry out *Fall Weiss* remained unchanged. The second sentence is significant:

"Flag Officer, U-boats, is handing in his operational orders to SKL [*Seekriegsleitung*, the German Admiralty] by 12 August. A decision on the sailings of U-boats for the Atlantic will probably be made at the middle of August." (C-126)

Doenitz proceeded to give operational instructions to his U-boats for the operation *Fall Weiss*. These instructions, signed by him, are not dated, but it is clear from the subject matter that the date must have been before 16 July 1939 (C-172). These operational instructions gave effect to Raeder's directive (C-126).

(2) *Norway and Denmark.* An extract from the War Diary of the Naval War Staff of the German Admiralty, dated 3 October 1939, records the fact that the Chief of the Naval War Staff has called for views on the possibility of taking operational bases in Norway (C-122). It states Doenitz's views as follows:

"* * * Flag Officer U-boats already considers such harbors extremely useful as equipment—and supply—bases for Atlantic U-boats to call at temporarily." (C-122)

A communication from Doenitz as Flag Officer U-boats, addressed to the Supreme Command of the Navy (the Naval War Staff) dated 9 October 1939, sets out Doenitz's views on the advantages of Trondheim and Narvik as bases. Doenitz proposes the establishment of a base at Trondheim with Narvik as an alternative (C-5).

Doenitz then gave operation orders to his U-boats for the occupation of Denmark and Norway. This Top Secret order, dated 30 March 1940, under the code name "*Hartmut*," provided:

"The naval force will, as they enter the harbor, fly the British flag until the troops have landed, except presumably at Narvik." (C-151)

(3) *England.* The preparations for war against England are perhaps best shown by the disposition of the U-boats under Doenitz's command on 3 September 1939, when war broke out between Germany and the Western Allies. The locations of the sinkings in the following week, including that of the *Athenia*, provide corroboration. These matters are contained in two charts prepared by the British Admiralty. The first chart sets out the disposition of German submarines on 3 September 1939. The certificate attached to this chart reads:

"This chart has been constructed from a study of the orders issued by Doenitz between 21 August 1939 and 3 Septem-

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ber 1939, and subsequently captured. The chart shows the approximate disposition of submarines ordered for the 3rd of September 1939, and cannot be guaranteed accurate in every detail, as the file of captured orders are clearly not complete and some of the submarines shown apparently had received orders at sea on or about September 3 to move to new operational areas. The documents from which this chart was constructed are held by the British Admiralty in London."

It will be apparent that U-boats which were in the positions indicated on this chart on 3 September 1939 had left Kiel a considerable time before. The location of the U-boat U-30 is particularly significant.

The second chart sets out the sinkings during the first week of the war. The attached certificate reads:

"This chart has been constructed from the official records of the British Admiralty in London. It shows the position and sinkings of the British merchant vessels lost by enemy action in the seven days subsequent to 3 September 1939."

The location of the sinking of the *Athenia* is significant.

D. PARTICIPATION IN CONSPIRACY TO COMMIT VIOLATIONS OF RULES OF WARFARE.

The course of the war waged against neutral and allied merchant shipping by German U-boats followed, under Doenitz's direction, a course of consistently increasing ruthlessness.

(1) *Attacks on Merchant Shipping.* Doenitz displayed "his masterly understanding in adjusting himself to the changing fortunes of war" (1463-PS). From the very early days, merchant ships, both allied and neutral, were sunk without warning, and when operational danger zones had been announced by the German Admiralty, these sinkings continued to take place both within and without those zones. With some exceptions in the early days of the war, no regard was taken for the safety of the crews or passengers of sunken merchant ships, and the announcement claiming a total blockade of the British Isles merely served to confirm the established situation under which U-boat warfare was being conducted without regard to the established rules of international warfare or the requirements of humanity.

The course of the war at sea during the first eighteen months is summarized by two official British reports made at a time when those who compiled them were ignorant of some of the

actual orders issued which have since come to hand. An official report of the British Foreign Office summarizes German attacks on merchant shipping during the period 3 September 1939 to September 1940, that is to say, the first year of the war (*D-641-A*). This report, made shortly after September 1940, states in part as follows:

"* * * During the first twelve months of the war, 2,081,062 tons of Allied shipping, comprising 508 ships, have been lost by enemy action. In addition, 769,213 tons of neutral shipping comprising 253 ships, have also been lost. Nearly all these merchant ships have been sunk by submarine, mine, aircraft or surface craft, and the great majority of them sunk while engaged on their lawful trading occasions. 2,836 Allied merchant seamen have lost their lives in these ships.

"In the last war the practice of the Central Powers was so remote from the recognized procedure that it was thought necessary to set forth once again the rules of warfare in particular as applied to submarines. This was done in the Treaty of London 1930, and in 1936 Germany acceded to these rules. The rules laid down:

"(1) In action with regard to merchant ships, submarines must conform to the rules of International Law to which surface vessels are subjected.

"(2) In particular, except in the case of persistent refusal to stop on being summoned, or of active resistance to visit and search, a warship, whether surface vessel or submarine, may not sink or render incapable of navigation a merchant vessel without having first placed passengers, crew, and ship's papers in a place of safety. For this purpose, the ship's boats are not regarded as a place of safety unless the safety of the passengers and crew is assured in the existing sea and weather conditions, by the proximity of land, or the presence of another vessel which is in a position to take them on board. "At the beginning of the present war, Germany issued a Prize Ordinance for the regulation of sea warfare and the guidance of her naval officers. Article 74 of this ordinance embodies the submarine rules of the London Treaty. Article 72, however, provides that captured enemy vessels may be destroyed if it seems inexpedient or unsafe to bring them into port, and Article 73 (i) (ii) makes the same provision with regard to neutral vessels which are captured for sailing under enemy convoy, for forcible resistance, or for giving assistance to the enemy. These provisions are certainly not

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in accordance with the traditional British view but the important point is that, even in these cases, the Prize Ordinance envisages the capture of the merchantman before its destruction. In other words, if the Germans adhered to the rules set out in their own Prize Ordinance, we might have argued the rather fine legal point with them, but we should have no quarrel with them, either on the broader legal issue or on the humanitarian one. In the event, however, it is only too clear that almost from the beginning of the war the Germans abandoned their own principles and waged war with steadily increasing disregard for International Law, and for what is, after all, the ultimate sanction of all law, the protection of human life and property from arbitrary and ruthless attacks." (D-641-A)

Two instances are then set out:

"On the 30th of September, 1939, came the first sinking of a neutral ship by a submarine without warning and with loss of life. This was the Danish ship '*Vendia*' bound for the Clyde in ballast. The submarine fired two shots and shortly after torpedoed the ship. The torpedo was fired when the master had already signalled that he would submit to the submarine's orders and before there had been an opportunity to abandon ship. By November submarines were beginning to sink neutral vessels without warning as a regular thing. On the 12th November the Norwegian '*Arne Kjode*' was torpedoed in the North Sea without any warning at all. This was a tanker bound from one neutral port to another. The master and four of the crew lost their lives and the remainder were picked up after many hours in open boats. Henceforward, in addition to the failure to establish the nature of the cargo, another element is noticeable, namely an increasing recklessness as to the fate of the crew." (D-641-A)

And then, dealing with attacks on allied merchant vessels, certain figures are given:

"Ships sunk	241
"Recorded attacks	221
"Illegal attacks	112

"At least 79 of these 112 ships were torpedoed without warning." (D-641-A)

The report continues:

"By the middle of October submarines were sinking merchant vessels without any regard to the safety of the crews. Yet four months later the Germans were still officially claim-

ing that they were acting in accordance with the Prize Ordinance. Their own semi-official commentators however, had made the position clearer. As regards neutrals, Berlin officials had early in February stated that any neutral ship that is either voluntarily or under compulsion bound for an enemy port—including contraband control harbours—thereby loses its neutrality and must be considered hostile. At the end of February the cat was let out of the bag by a statement that a neutral ship which obtained a navicert from a British Consul in order to avoid putting into a British contraband control base was liable to be sunk by German submarines, even if it was bound from one neutral port to another. As regards Allied ships, in the middle of November 1939 a Berlin warning was issued against the arming of British vessels. By that date a score of British merchantmen had been illegally attacked by gunfire or torpedo from submarines, and after that date some fifteen more unarmed Allied vessels were torpedoed without warning. It is clear, therefore, that not only was the arming fully justified as a defensive measure, but also that neither before nor after this German threat did the German submarines discriminate between armed and unarmed vessels." (D-641-A)

A similar report covering the next six months (D-641-B) makes these statements:

"On the 30th January 1941, Hitler proclaimed that 'every ship, with or without convoy, which appears before our torpedo tubes is going to be torpedoed.' On the face of it, this announcement appears to be uncompromising; and the only qualification provided by the context is that the threats immediately preceding it are specifically addressed to the peoples of the American Continent. German commentators, however, subsequently tried to water it down by contending that Hitler was referring only to ships which attempted to enter the area within which the German 'total blockade' is alleged to be in force.

"From one point of view it probably matters little what exactly was Hitler's meaning, since the only conclusion that can be reached after a study of the facts of enemy warfare on merchant shipping is that enemy action in this field is never limited by the principles which are proclaimed by enemy spokesmen, but solely by the opportunities or lack of them which exist at any given time."

* * * * *

"The effect of the German total blockade is to prohibit neutral

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ships from entering an enormous stretch of sea round Britain (the area extends to about 500 miles west of Ireland, and from the latitude of Bordeaux to that of the Faroe Islands), upon pain of having their ships sunk without warning and their crews killed. As a matter of fact, at least thirty-two neutral ships, exclusive of those sailing in British convoys, have been sunk by enemy action since the declaration of the 'total blockade'."

* * * * *

"Yet, though information is lacking in very many cases, details are available to prove that, during the period under review, at least thirty-eight Allied merchant ships, exclusive of those in convoys, have been torpedoed without warning in or near the 'total blockade' area.

"That the Germans themselves have no exaggerated regard for the area is proved by the fact that of the thirty-eight ships referred to at least sixteen were torpedoed outside the limits of the war-zone."

* * * * *

"The sinking of the '*City of Benares*' on the 17th September 1940 is a good example of this. The '*City of Benares*' was an 11,000-ton liner with 191 passengers on board, including nearly 100 children. She was torpedoed without warning just outside the 'war zone,' with the loss of 258 lives, including 77 children. It was blowing a gale, with hail and rain squalls and a very rough sea when the torpedo struck her at about 10 p.m. In the darkness and owing to the prevailing weather conditions, at least four of the twelve boats lowered were capsized. Others were swamped and many people were washed right out of them. In one boat alone sixteen people, including 11 children, died from exposure; in another 22 died, including 15 children; in a third 21 died. The point to be emphasized is not the unusual brutality of this attack but rather that such results are inevitable when a belligerent disregards the rules of sea warfare as the Germans have done and are doing."

"There are hundreds of similar stories, stories of voyages for days in open boats in Atlantic gales, of men in the water clinging for hours to a raft and gradually dropping off one by one, of crews being machine-gunned as they tried to lower their boats or as they drifted away in them, of seamen being blown to pieces by shells and torpedoes and bombs. The enemy must know that such things are the inevitable result of the type of warfare he has chosen to employ." (D-641-B)

The total sinkings by U-boats during the war (1939 to 1945) amounted to 2,775 British, Allied, and Neutral ships totalling 14,572,435 gross tons (D-641-C).

Another example of the ruthless nature of the actions conducted by Doenitz's U-boat commanders, particularly as both British and German versions of the sinking are available, is the sinking of "*S. S. Sheaf Mead*." The British report, which includes the German account in the shape of a complete extract from the U-boat's log, states:

"The British '*S. S. Sheaf Mead*' was torpedoed without warning on 27 May 1940 with the loss of 31 of the crew. The commander of the U-boat responsible is reported to have behaved in an exceptionally callous manner towards the men clinging to upturned boats and pieces of wood. It was thought that this man was Kapitänleutnant Oehrns of U-37. The following extract from his diary for 27 May 1940 leaves no doubt on the matter and speaks for itself as to his behaviour." (D-644)

The relevant extract from the log, at 1554 hours, reads:

"Surface. Stern [referring to the ship which has been torpedoed] is underwater. Bows rise higher. The boats are now on the water. Lucky for them. A picture of complete order. They lie at some distance. The bows rear up quite high. Two men appear from somewhere in the forward part of the ship. They leap and rush with great bounds along the deck down to the stern. The stern disappears. A boat capsizes. Then a boiler explosion. Two men fly through the air, limbs outstretched. Bursting and crashing. Then all is over. A large heap of wreckage floats up. We approach it to identify the name. The crew have saved themselves on wreckage. We fish out a buoy. No name on it. I ask a man on the raft. He says, hardly turning his head—'Nix Name.' A young boy in the water calls 'Help, help, please.' The others are very composed. They look damp and somewhat tired. An expression of cold hatred is on their faces. On to the old course. After washing the paint off the buoy, the name comes to light: Greatafield, Glasgow. 5006 gross registered tons." (D-644)

"On to the old course" means merely that the U-boat makes off.

The report of the Chief Engineer of the "*S. S. Sheaf Mead*" contains this description of the situation:

"When I came to the surface I found myself on the port side, that is, nearest to the submarine, which was only about five

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yards away. The submarine Captain asked the steward the name of the ship, which he told him, and the enemy picked up one of our lifebuoys, but this had the name 'Gretaston' on it, as this was the name of our ship before it was changed to 'Sheaf Mead' last January."

* * * * *

"She had cutaway bows, but I did not notice a net cutter. Two men stood at the side with boat hooks to keep us off.

"They cruised around for half an hour, taking photographs of us in the water. Otherwise they just watched us, but said nothing. Then she submerged and went off, without offering us any assistance whatever." (D-644)

The U-boats log at 1444 hours contains a description of the sighting of the ship, the difficulty in identification, and then the sinking:

"The distance apart is narrowing. The steamship draws in quickly, but the position is still 40-50. I cannot see the stern yet. Tube ready. Shall I or not? The gunnery crews are also prepared. On the ship's side a yellow cross in a small, square, dark blue ground. Swedish? Presumably not. I raise the periscope a little. Hurrah, a gun at the stern, an ack-ack gun or something similar. Fire! I cannot miss" (D-644)

The actual documents by which Doenitz and his fellow conspirators issued their orders in disregard of International Law indicate that the compiler of the above reports understated the case. These orders cover not only the period referred to in the above reports, but also the subsequent course of the war. It is interesting to note in them the steps by which the conspirators progressed. At first they were content with breaching the rules of International Law to the extent of sinking merchant ships, including neutral ships, without warning where there was a reasonable prospect of being able to do so without discovery. The facts already quoted show that the question of whether ships were defensively armed or outside the declared operational areas was in practice immaterial.

A memorandum by the German Naval War Staff, dated 22 September 1939, (C-191) provides:

"Flag Officer U-boats intends to give permission to U-boats to sink without warning any vessels sailing without lights.

* * * In practice there is no opportunity for attacking at night, as the U-boat cannot identify a target which is a shadow in a way that entirely obviates mistakes being made.

If the political situation is such that even possible mistakes must be ruled out, U-boats must be forbidden to make any attacks at night in waters where French and English Naval forces or merchant ships may be situated. On the other hand, in sea areas where only English units are to be expected, the measures desired by F. O. U-boats can be carried out; permission to take this step is not to be given in writing, but need merely be based on the unspoken approval of the Naval War Staff. U-boat commanders would be informed by word of mouth and the sinking of a merchant ship must be justified in the War Diary as due to possible confusion with a warship or an auxiliary cruiser. In the meanwhile, U-boats in the English Channel have received instructions to attack all vessels sailing without lights." (C-191)

The War Diary of the Naval War Staff of the German Admiralty contains the following report by Ia (Staff Operations Officer on the Naval War Staff) on directive of the Armed Forces High Command of 30 December 1939:

"According to this the Fuehrer, on report of the Commander in Chief, Navy, has decided:

"(a) Greek merchant vessels are to be treated as enemy vessels in the zone blockaded by U.S.A. and Britain.

"(b) In the Bristol Channel all ships may be attacked without warning. For external consumption these attacks should be given out as hits by mines.

"Both measures may be taken with immediate effect." (C-21)

Another report by Ia, refers to intensified measures in naval and air warfare in connection with "*Fall Gelb*".

"In consequence of this Directive, the Navy will authorize, simultaneously with the general intensification of the war, the sinking by U-boats, without any warning, of all ships in those waters near the enemy coasts in which *mines can be employed*. In this case, for external consumption, pretence should be made that mines are being used. The behaviour of, and use of weapons by, U-boats should be adapted to this purpose." (C-21)

A third extract from the Naval War Diary, dated 6 January 1940, states:

"* * * the Fuehrer has in principle agreed (see minutes of report of C. in C. Navy of 30 December) to authorize firing without warning whilst maintaining the pretence of mine hits in certain parts of the American blockaded zone." (C-21)

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Whereupon, the order is given to Flag Officer, Submarines, carrying out that decision (C-21).

The report for 18 January 1940 states:

"The High Command of the Armed Forces has issued the following Directive dated 17th of January, cancelling the previous order concerning intensified measures of warfare against merchantmen.

"The Navy will authorize, with immediate effect, the sinking without warning by U-Boats of all ships in those waters near the enemy coasts in which the use of mines can be pretended. U-Boats must adapt their behavior and employment of weapons to the pretence, which is to be maintained in these cases, that the hits were caused by mines. Ships of the United States, Italy, Japan and Russia are exempted from these attacks." (C-21)

An extract from the BDU War Diary (Doenitz's War Diary) dated 18 July 1941, reveals a further extension of the above order so as to cut down the protected categories:

"Supplementary to the order forbidding, for the time being, attacks on U. S. warships and merchant vessels in the operational area of the North Atlantic, the Fuehrer has ordered the following:

"1. Attack on U. S. merchant vessels sailing in British or U. S. convoys or independently is authorized in the original operational area which corresponds in its dimensions to the U. S. blockade zone and which does not include the sea-route U. S. to Iceland." (C-118)

As these orders show, at one date the ships of a particular neutral under certain conditions could be sunk, while those of another could not. The attitude to be adopted toward ships of particular neutrals changed at various times, for Doenitz conducted the U-Boat war against neutrals with cynical opportunism. It all depended on the political relationship of Germany toward a particular country at a particular time whether her ships were sunk or not.

(2) *The Orders Concerning Treatment of Survivors.* A series of orders led up to the issue of an order which enjoined U-Boat commanders not merely to abstain from rescuing crews and give them no assistance, but deliberately to annihilate them.

Among these preliminary standing orders of the U-Boat Command is Order Number 154, signed by Doenitz:

"Paragraph (e). Do not pick up survivors and take them with you. Do not worry about the merchant-ship's boats.

Weather conditions and distance from land play no part. Have a care only for your own ship and strive only to attain your next success as soon as possible. We must be harsh in this war. The enemy began the war in order to destroy us, so nothing else matters." (D-642)

In 1942, when the United States entered the war with its enormous ship-building capacity, the change thus brought about necessitated a further adjustment in the methods adopted by the U-Boats. Doenitz accordingly issued an order, which intended not merely the sinking of merchant ships, not merely the abstention from rescue of the crews, but their deliberate extermination.

The course of events is shown by the record of a conversation between Hitler and the Japanese Ambassador, Oshima, (D-423) in the presence of Ribbentrop, on 3 January 1942:

"The Fuehrer, using a map, explains to the Japanese Ambassador the present position of marine warfare in the Atlantic, emphasizing that he considers his most important task is to get the U-Boat warfare going in full swing. The U-Boats are being reorganized. Firstly, he had recalled all U-Boats operating in the Atlantic. As mentioned before, they would now be posted outside United States ports. Later, they would be off Freetown and the larger boats even as far down as Capetown."

* * * * *

"After having given further explanations on the map, the Fuehrer pointed out that, however many ships the United States built, one of their main problems would be the lack of personnel. For that reason, even merchant ships would be sunk without warning with the intention of killing as many of the crew as possible. Once it gets around that most of the seamen are lost in the sinkings, the Americans would soon have difficulties in enlisting new people. The training of sea-going personnel takes a very long time. We are fighting for our existence and our attitude cannot be ruled by any humane feelings. For this reason he must give the order that in case foreign seamen could not be taken prisoner, which is not always possible on the sea, U-boats were to surface after torpedoing and shoot up the lifeboats.

"Ambassador Oshima heartily agreed with the Fuehrer's comments, and said that the Japanese too are forced to follow these methods." (D-423)

An extract from the B.D.U. War Diary of 16 September 1942 is part of the story in the sense that it was on the following

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day that the annihilation order was issued. It records an attack on a U-boat, which was rescuing survivors, chiefly the Italian survivors of the Allied liner "*Laconia*," when it was attacked by an Allied aircraft (D-446).

A Top Secret order, sent to all commanding officers of U-boats from Doenitz's headquarters, dated 17 September 1942, provided:

"1. No attempt of any kind must be made at rescuing members of ships sunk, and this includes picking up persons in the water and putting them in lifeboats, righting capsized lifeboats, and handing over food and water. Rescue runs counter to the rudimentary demands of warfare for the destruction of enemy ships and crews.

"2. Orders for bringing in Captains and Chief Engineers still apply.

"3. Rescue the shipwrecked only if their statements will be of importance for your boat.

"4. Be harsh, having in mind that the enemy takes no regard of women and children in his bombing attacks on German cities." (D-630)

The intentions of this carefully worded order are made clear by an extract from Doenitz's War Diary which is personally signed by Doenitz. The War Diary entry for 17 September 1942 reads:

"The attention of all commanding officers is again drawn to the fact that all efforts to rescue members of the crews of ships which have been sunk contradict the most primitive demands for the conduct of warfare by annihilating enemy ships and their crews. Orders concerning the bringing in of the Captains and Chief Engineers still stand." (D-630).

In this connection, a telegram from the Commander of the U-boat "*Schacht*" to Doenitz's headquarters, and the reply, are significant. "*Schacht*" had been taking part in the rescue of survivors from the "*Laconia*." The telegram from "*Schacht*," dated 18 September 1942, reads:

"163 Italians handed over to 'Annamite.' Navigating Officer of '*Laconia*' and another English Officer on board." (D-630) The telegram goes on to set out the position of English and Polish survivors in boats.

The reply from Doenitz's headquarters was sent on the 20th:

"Action as in wireless telegram message of 17th of September was wrong. Boat was detailed to rescue Italian allies and not for the rescue of English and Poles." (D-630)

Such were Doenitz's plans before the bombing incident ever occurred.

"Operation Order Atlantic No. 56," dated 7 October 1943, con-

tains the sailing orders of a U-boat (*D-663*). Although the date of this order is 7 October 1943, in fact it is only a reproduction of an order issued earlier, in the autumn of 1942. The following is an extract from this order:

"Rescue ships: A so-called rescue ship is generally attached to every convoy, a special ship of up to 3000 gross registered tons, which is intended for the picking up of survivors after U-boat attacks. These ships are, for the most part, equipped with a shipborne aircraft and large motor-boats, are strongly armed with depth-charge throwers, and very manoeuvrable, so that they are often called U-Boat Traps by the commander. In view of the desired destruction of ships' crews, their sinking is of great value." (*D-663*)

The Prosecution does not complain against attacks on rescue ships. They are not entitled to protection. But the point of the foregoing order to U-boats was that priority in attack should be given to rescue ships. This order, therefore, is closely allied with the order of 17 September 1942 (*D-630*): in view of the Allied shipbuilding program the German Navy had resolved to take all means to prevent Allied ships from being manned.

To summarize, it would appear from the War Diary entry of 17 September that orders on the lines discussed between Hitler and Oshima were, in fact, issued. They have not, however, been captured. It may be that they were issued orally, and that Doenitz awaited a suitable opportunity before confirming them. The incident of the bombing of the U-boats detailed to rescue the Italian survivors from the "*Laconia*" afforded the opportunity, and the order to all commanders was issued. Its intent is clear when it is considered in the light of the War Diary entry. The wording is, of course, extremely careful, but to any officer of experience its intention was obvious: he would know that deliberate action to annihilate survivors would be approved under that order.

It may be contended that this order, although perhaps unfortunately phrased, was merely intended to stop a commander from jeopardizing his ship by attempting a rescue, which had become increasingly dangerous as a result of the extended coverage of the ocean by Allied aircraft; and that the notorious action of U-Boat Commander Eck in sinking the Greek steamer "*Peleus*" and then machine-gunning the crew on their rafts in the water, was an exception; and that, although it may be true that a copy of the order was on board, this action was taken solely, as Eck himself swore, on his own initiative.

In reply it may be said that if the intention of this order was to stop rescue attempts, in the interests of the preservation of

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the U-boat, it would have been done by calling attention to Standing Order 154. Secondly, this very fact would have been prominently stated in the order. Drastic orders of this nature are not drafted by experienced staff officers without the greatest care and an eye to their possible capture by the enemy. Thirdly, if it was necessary to avoid the risks attendant on surfacing, not only would this have been stated but there would have been no question of taking any prisoners at all except possibly in circumstances where virtually no risk in surfacing was to be apprehended. Fourthly, the final sentence of the first paragraph would have read very differently. And fifthly, if in fact—and the Prosecution does not accept it—Doenitz did not mean to enjoin murder, his order was so worded that he cannot escape the responsibility which attaches to such a document.

The instructions given by Admiral Doenitz with regard to the murder of shipwrecked Allied seamen are described in an affidavit by *Oberleutnant Zur See* Peter Josef Heisig (D-566). (Heisig was called as a prosecution witness in the case against Doenitz and testified on direct examination to the same effect, in substance, as the statements in his affidavit.) In September 1942 Heisig was a Midshipman in a training course for U-boat officers of the watch. On the last day of the course Grand Admiral Doenitz, who was then Commander-in-Chief, U-boats, held an inspection tour and made a speech to the officers in training. Heisig describes the content of Doenitz's speech as follows:

“* * * According to news received from America we were bound to reckon with the possibility that in the Allied countries more than 1,000,000 net registered tons of new merchant shipping space would be brought into service monthly. This was more shipping space than would be sunk even with good U-boat successes. The bottleneck of the Allies lay only in the problem of personnel for these newly built ships. The Atlantic route was too dangerous for seamen so that they even had to be brought aboard ship under compulsion. This was the point where we, the U-boat crews, had to take a hand. He therefore demanded that we should from now on carry on total warfare against ship and crew. That meant: so far as possible, no seaman from a sunk ship was to get home any more. Only thus could the supply line of the British Isles be seriously endangered and only thus in the long run could we strike a noticeable blow at Allied merchant shipping traffic. In this way it would be impossible for the opponent even to make use of his newly built ships, since no more crews would be available to him. After the sinking of

a ship, every possibility of rescue must be denied to the crew, through the destruction of every means of saving life. "I later discussed these remarks of Admiral Doenitz's with the others, and all present unanimously and unambiguously took them to mean that after the sinking of a ship, all possibility of escape, whether in boats, on rafts, or by any other means, must be denied to the crew and the destruction of the crew was to be attempted by every means. This mode of warfare was for me as for most of my comrades completely new. Owing to Admiral Doenitz's authoritative position, it was nevertheless fully and completely accepted by many of them. He sought to invalidate in advance any doubts which might arise, by pointing to the air war and the bombing." (D-566)

Further light on the real meaning of the Top Secret radio message sent by the Commander in Chief, U-boats, to all U-boat and operational flotillas in September 1942 (D-630) is contained in the statement of *Korvettenkapitaen* Karl Heinz Moehle (382-PS). (Moehle was called as a Prosecution witness in the case against Doenitz and testified on direct examination to the same effect, in substance, as the statements in his affidavit.) Concerning this order which was couched in terms of a prohibition against the rescue of survivors, Moehle states as follows:

"This W/T message was without any doubt sent out at the instigation of the Commander in Chief U-boats himself, i.e. Grand Admiral Doenitz. In view of my knowledge of the way in which the Staff of the Chief Command U-boats worked, I consider it quite impossible that an order of such importance could have been given without his knowledge."

* * * * *

"So far as concerns the order itself, it undoubtedly states, and in particular for those who know the manner in which Commander in Chief U-Boats is wont to give his orders, that the High Command regard it as desirable that not only ships but also their crews should be regarded as objects of attack, i.e. that they should be destroyed; at that time German propaganda was continually stressing the shortage of crews for enemy merchant ships and the consequent difficulties. I too understood this order in that way.

"Had the point of view of the High Command been otherwise the order would undoubtedly have been expressed in different words. It would then only have stated that for reasons of security rescue measures were to cease and this order would have passed as a normal secret W/T message. It was

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perhaps even the intention that this order could be interpreted in two ways and the reason may be that in the first place, it contravenes international laws of warfare and secondly, that it was an order which must give rise to serious conflicts of conscience in commanding officers."

* * * * *

"To conclude, I can only stress that the order of September 1942 appeared to me personally to go too far and I am in total disagreement with it at heart. As a serving officer I had however to carry out the command to pass on this order to commanding officers for their instruction.

"During the long time that I was senior officer of the Flotilla no single commanding officer mentioned to me that he could not reconcile obedience to this order with his conscience and that he was therefore unable to carry it out." (382-PS)

Moehle graphically describes Doenitz's incitement of his men to the murder of survivors:

"A type VII boat (500-tonner) reported in her war log that when outward bound from a base in France she met far out in the Bay of Biscay a raft with five enemy airmen, but was not able to take them on board owing to shortage of room (she had a complement of 54 and carried full provisions for 14 weeks). The boat therefore proceeded without taking any notice of the survivors.

"This action of the U-boat was vehemently denounced by the Commander in Chief U-boats' staff. It was stated that she would have acted more correctly in destroying this raft since it was highly probably that the enemy air crew would be rescued by the enemy and in the meantime might once more have destroyed a German U-boat.

"This occurrence made the views of the Commander in Chief U-boats clear to me." (382-PS)

As senior officer of the Fifth U-boat Flotilla, it was Moehle's duty to transmit orders from the Commander in Chief, U-boats, to commanding officers of U-boats. In this connection, Doenitz's ambiguous order against the rescue of survivors caused difficulties.

"I was wont to pass on this controversial and serious order with more or less the following words:—'I have now to inform you of a High Command order concerning conduct towards survivors. It is a very ticklish matter. Commander in Chief U-boats in September 1942 gave the following order in an 'officers only' signal (* * * the exact words of the order were then read out).'

"Since I am myself in my innermost conscience in disagreement with this order, I was very glad that in most cases commanding officers raised no queries and I was therefore relieved of any further discussion on this point.

"Sometimes however queries were raised and I was wont to answer somewhat as follows:—

"‘I will explain the viewpoint of the High Command, which gave this order, by reference to the following event:’ I then mentioned the example of the Type VII boat in the Bay of Biscay together with the explanation and viewpoint expressed to me by Commander in Chief U-boats’ staff. I then went on to say, ‘Gentlemen, you must yourselves decide what is compatible with your own consciences. The safety of your own boat must always remain your prime consideration.’”

* * * * *

"I also remember that many commanding officers after the order of September 1942 had been read said, ‘That is quite clear and unequivocal however hard it may be.’ Had this order been given to me as a commanding officer I would have taken note of it in silence but in practice would always have been able with a clear conscience not to carry it out since I consider I would endanger my own boat by acting in this way, (i.e., by shooting at lift-boats).” (382-PS)

Finally, Moehle describes the orders to omit from U-boat logs the notation of any actions in violation of International Law:

"There was an order—I do not remember whether it was in the form of a written or verbal instruction—that no events during a war patrol which contravened established international agreements should be entered in the war log. I believe that the reason for this order was that eight copies were made of war logs and were available to many authorities; there was always the danger therefore that events of this nature would become known and it was undoubtedly undesirable for reasons of propaganda that this should be so.

"Events of this nature were only to be reported if asked for when commanding officers made their personal reports; these were invariably made after every patrol to Commander in Chief U-boats or later in certain instances to Captain U-boats.” (382-PS)

Two cases may be noted in which the order of 17 September 1942 (*D-630*) was apparently put into effect. The first case is the sinking of a steam trawler, the "*Noreen Mary*," which was sunk by U-247 on 5 July 1944. The log of the U-Boat shows that

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at 1943 hours two torpedoes were fired, which missed (D-645).
At 2055 hours the log reads:

"Surfaced.

"Fishing Vessels: [Bearings of 3 ships given].

"Engaged the nearest. She stops after three minutes." (D-645)

There follows an account of a shot fired as the trawler lay stopped, and then, the final entry:

"Sunk by flak, with shots into her side. Sank by the stern." (D-645)

The U-Boat Command made this comment on the action:

"Recognized success: Fishing vessel '*Noreen Mary*' sunk by flak." (D-645)

An affidavit by James MacAlister, who was a deck-hand on board the "*Noreen Mary*" at the time of the sinking, describes the torpedo tracks which missed the trawler, and continues as follows:

"At 2110 hours, while we were still trawling, the submarine surfaced on our starboard beam, about 50 yards to the northeast of us, and without any warning immediately opened fire on the ship with a machine gun. We were 18 miles west from Cape Wrath, on a north-westerly course, making 3 knots. The weather was fine and clear, sunny, with good visibility. The sea was smooth, with light airs."

* * * * *

"When the submarine surfaced I saw men climbing out of the conning tower. The skipper [of the trawler] thought at first the submarine was British, but when she opened fire he immediately slackened the brake to take the weight off gear, and increased to full speed, which was about 10 knots. The submarine chased us, firing her machine gun, and with the first rounds killed two or three men, including the skipper, who were on deck and had not had time to take cover. The submarine then started using a heavier gun from her conning tower, the first shot from which burst the boiler, enveloping everything in steam and stopping the ship.

"By now the crew had taken cover, but in spite of this all but four were killed. The submarine then commenced to circle round ahead of the vessel, and passed down her port side with both guns firing continuously. We were listing slowly to port all the time but did not catch fire.

"The Mate and I attempted to release the lifeboat, which was aft, but the Mate was killed whilst doing so, so I abandoned

the attempt. I then went below into the pantry, which was below the water line, for shelter. The ship was listing more and more to port, until finally at 2210 she rolled right over and sank, and the only four men left alive on board were thrown into the sea. I do not know where the other three men had taken cover during this time, as I did not hear or see them until they were in the water.

"I swam around until I came across the broken bow of our lifeboat, which was upside down, and managed to scramble on top of it. Even now the submarine did not submerge, but deliberately steamed in my direction and when only 60 to 70 yards away fired directly at me with a short burst from the machine gun. As their intention was quite obvious, I fell into the water and remained there until the submarine ceased firing and submerged, after which I climbed back on to the bottom of the boat. The submarine had been firing her guns for a full hour." (D-645)

The affidavit goes on to describe the attempts of the Second Engineer and others to rescue themselves and to help each other; they were later picked up by another trawler. The affidavit continues:

"Whilst on board the '*Lady Madeleine*' the Second Engineer and I had our wounds dressed. I learned later that the Second Engineer had 48 shrapnel wounds, also a piece of steel wire 2½ inches long embedded in his body. * * * I had 14 shrapnel wounds."

* * * * *

"This is my fourth wartime experience, having served in the whalers '*Sylvester*' (mined) and '*New Seville*' (torpedoed), and the Trawler '*Ocean Tide*', which ran ashore.

"As a result of this attack by U-boat, the casualties were six killed, two missing, two injured." (D-645).

The next case is that of the ship "*Antonico*", which was torpedoed, set afire, and sunk on 28 September 1942, off the coast of French Guiana. The date of the incident is some eleven days after the issue of the order (D-630). A statement given by the Second Officer describes the attack on the ship, which by then was on fire (D-647):

"* * * That the witness saw the dead on the deck of the '*Antonico*' as he and his crew tried to swing out their lifeboat; that the attack was fulminant, lasting almost 20 minutes; and that the witness already in the lifeboat tried to get away from the side of the '*Antonico*' in order to avoid being dragged down by the same '*Antonico*' and also because

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she was the aggressor's target; that the night was dark, and it was thus difficult to see the submarine, but that the fire aboard the *'Antonico'* lit up the locality in which she was submerging, facilitating the enemy to see the two lifeboats trying to get away; that the enemy ruthlessly machine-gunned the defenseless sailors in No. 2 lifeboat, in which the witness found himself, and killed the Second Pilot Arnaldo de Andrade de Lima, and wounded three of the crew; that the witness gave orders to his company to throw themselves overboard to save themselves from the bullets; in so doing, they were protected and out of sight behind the lifeboat, which was already filled with water; even so the lifeboat continued to be attacked. At that time the witness and his companions were about 20 meters in distance from the submarine." (D-647)

The U-boat's log in that case is not available, but it may be surmised, in view of the order that nothing compromising should be included in entries in logs, that it would be no more helpful than in the case of the previous incident.

A broadcast by a German Naval War Reporter on the long wave propaganda service from Friesland, (D-646-A) in English, on 11 March 1943, stated:

"Santa Lucia, in the West Indies, was an ideal setting for romance, but nowadays it was dangerous to sail in these waters—dangerous for the British and Americans and for all the colored people who were at their beck and call. Recently a U-boat operating in these waters sighted an enemy windjammer. Streams of tracer bullets were poured into the sails and most of the Negro crew leaped overboard. Knowing that this might be a decoy ship, the submarine steamed cautiously to within 20 yards, when hand grenades were hurled into the rigging. The remainder of the Negroes then leaped into the sea. The windjammer sank. There remained only wreckage. Lifeboats packed with men, and sailors swimming. The sharks in the distance licked their teeth in expectation. Such was the fate of those who sailed for Britain and America." (D-646-A)

This statement shows that it was the policy of the enemy to seek to terrorize crews. It is a part with the order with regard to rescue ships and with the order on the destruction of steamers.

After Doenitz succeeded Raeder as Commander-in-Chief of the Navy he presumably also succeeded to the equivalent rank of a Minister of the Reich, which Raeder had held (2098-PS).

An official report certified by an official of the British Admiralty

sets out the number of meetings, the dates of the meetings, and those present, on the occasion of meetings between Doenitz or his representative with Hitler from the time that he succeeded Raeder until the end (D-648). The certificate states:

"* * * I have compiled from them [captured documents] the attached list of occasions on which Admiral Doenitz attended conferences at Hitler's headquarters. The list of other senior officials who attended the same conferences is added when this information was contained in the captured documents concerned. I certify that the list is a true extract from the collective documents which I have examined, and which are in the possession of the British Admiralty, London."

Either Admiral Doenitz or his deputy, Konteradmiral Voss, was present at each of the numerous meetings listed. Among those who were also constantly present were Speer, Keitel, Jodl, Ribbentrop, Goering, and Himmler or his lieutenants, Fegelein or Kaltenbrunner. The inference is clear that from the time that he succeeded Raeder, Doenitz was one of the rulers of the Reich and was undoubtedly aware of all major decisions of policy.

(3) *The Order to Kill Commandos*. An internal memorandum of the Naval War Staff, written by the division dealing with International Law to another division, discusses the order of 18 October 1942, with regard to the shooting of Commandos (C-178).

Doubt appears to have arisen in some quarters with regard to the understanding of this order. Accordingly, in the last sentence of the memorandum it is suggested:

"As far as the Navy is concerned, it remains to be seen whether or not this case should be used to make sure, after a conference with the Commander-in-Chief of the Navy, that all departments concerned have an entirely clear conception regarding the treatment of members of commando units."
(C-178)

Whether that conference took place or not is not known. The document is dated some 11 days after Doenitz had taken over command from Raeder.

But in July 1943, the Navy handed over to the SD Norwegian and British Navy personnel, whom the Navy decided came under the terms of the order, for shooting. An affidavit by a British Barrister-at-Law who served as judge advocate at the trial of the members of the SD who executed the order states (D-649):

"The accused were charged with committing a war crime, in that they at Ulven, Norway, in or about the month of July

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1943, in violation of the laws and usages of war, were concerned in the killing of * * *” [there follow the names of six personnel of the Norwegian Navy, including one officer, and one telegraphist of the British Navy, prisoners of war.].

* * * * *

“There was evidence before the Court, which was not challenged by the Defense, that Motor Torpedo Boat No. 345 set out from Lerwick in the Shetlands on a naval operation for the purpose of making torpedo attacks on German shipping off the Norwegian coast, and for the purpose of laying mines in the same area. The persons mentioned in the charge were all the crew of the Torpedo Boat.

“The defense did not challenge that each member of the crew was wearing uniform at the time of capture, and there was abundant evidence from many persons, several of whom were German, that they were wearing uniform at all times after their capture.

“On 27th July, 1943, the Torpedo Boat reached the island of Aspo off the Norwegian coast, north of Bergen. On the following day the whole of the crew were captured and were taken on board a German naval vessel which was under the command of Admiral von Schrader, the Admiral of the west coast. The crew were taken to the Bergenhus, where they had arrived by 11 p.m. on 28th July. The crew were there interrogated by Leut. H. P. W. W. Fanger, a Naval Lieutenant of the Reserve, on the orders of Korvettenkapitan Egon Drascher, both of the German Naval Intelligence Service. This interrogation was carried out upon the orders of the staff of the Admiral of the west coast. Leut. Fanger reported to the Officer in Charge of the Intelligence Branch at Bergen that in his opinion all the members of the crew were entitled to be treated as prisoners of war, and that officer in turn reported both orally and in writing to the Sea Commander, Bergen, and in writing to the Admiral of the west coast.

“The interrogation by the Naval Intelligence Branch was concluded in the early hours of 29th July, and almost immediately all the members of the crew were handed over on the immediate orders of the Sea Commander, Bergen, to Obersturmbannfuhrer of the SD, Hans Wilhelm Blomberg, who was at that time Kommandeur of the Sicherheitspolizei at Bergen. This followed a meeting between Blomberg and Admiral von Schrader, at which a copy of the Fuehrer order of the 18th October 1942 was shown to Blomberg. This order

dealt with the classes of persons who were to be excluded from the protection of the Geneva Convention and were not to be treated as prisoners of war, but when captured were to be handed over to the SD. Admiral von Schrader told Blomberg that the crew of this Torpedo Boat were to be handed over in accordance with the Fuehrer order, to the SD."

(D-649)

The affidavit goes on to describe the interrogation by officials of the SD. These officials took the same view as the Naval Intelligence officers, that the crew were entitled to be treated as prisoners of war. Nevertheless, the crew were taken out and shot by an execution squad composed of members of the SD. The affidavit concludes as follows:

"It appeared from the evidence that in March or April, 1945, an order from the Fuehrer Headquarters, signed by Keitel, was transmitted to the German authorities in Norway. The substance of the order was that members of the crew of commando raids who fell into German captivity were from that date to be treated as ordinary prisoners of war. This order referred specifically to the Fuehrer order referred to above."

(D-649)

The date mentioned is important; it was time "in March or April, 1945," for these men to put their affairs in order.

(4) *Reasons for Not Renouncing the Geneva Convention.* The minutes of conferences on 19 and 20 February 1945 between Doenitz and Hitler read as follows:

"The Fuehrer is considering whether or not Germany should renounce the Geneva Convention * * * [the 1929 Prisoners of War Convention].

* * * * *

"The Fuehrer orders the Commander-in-Chief of the Navy to consider the pros and cons of their step and to state his opinion as soon as possible." (C-158)

Doenitz then stated his opinion in the presence of Jodl and a representative of Ribbentrop:

"* * * On the contrary, the disadvantages [of renouncing the convention] outweigh the advantages. It would be better to carry out the measures considered necessary without warning, and at all costs to save face with the outer world." (C-158)

An extract from the minutes of another meeting between Doenitz and Hitler, on 1 July 1944,—the extract is signed by Doenitz—states:

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“* * * Regarding the General Strike in Copenhagen, the Fuehrer says that the only weapon to deal with terror is terror. Court martial proceedings create martyrs. History shows that the names of such men are on everybody's lips, whereas there is silence with regard to the many thousands who have lost their lives in similar circumstances without court martial proceedings.” (C-171)

(5) *Use of Concentration Camp Labor in Shipyards.* In a memorandum signed by Doenitz sometime late in 1944, which was distributed to Hitler, Keitel, Jodl, Speer, and the Supreme Command of the Air Force, Doenitz reviews German shipping losses, and concludes:

“Furthermore, I propose reinforcing the shipyard working parties by prisoners from the concentration camps and as a special measure for relieving the present shortage of copper-smiths, especially in U-boat construction, I propose to divert coppersmiths from the construction of locomotives to ship-building.” (C-195)

In dealing with sabotage, Doenitz has this to say:

“Since, elsewhere, measures for exacting atonement taken against whole working parties amongst whom sabotage occurred, have proved successful, and, for example, the shipyard sabotage in France was completely suppressed, possibly similar measures for the Scandinavian countries will come under consideration.” (C-195)

Item 2 of the summing-up reads:

“12,000 concentration camp prisoners will be employed in the shipyards as additional labor (security service [SD] agrees to this)” (C-195).

It was not for nothing that at these meetings Himmler and his Lieutenants, Fegelein and Kaltenbrunner, were present.

They were not there to discuss U-boats or the use of battle-ships. It is clear from this document that Doenitz knew all about concentration camps and concentration camp labor, and as one of the rulers of Germany he must bear his full share of that responsibility.

(6) *Doenitz's Incitement of Ruthless Conduct By His Men.* The orders issued by Doenitz in April 1945 (D-650) show his fanatical adherence to the Nazi creed, and his preparedness even at that stage to continue a hopeless war at the expense of human life, and with the certainty of increased destruction and misery to his country:

"I therefore demand of the commanding officers of the Navy: That they clearly and unambiguously follow the path of military duty, whatever may happen. I demand of them that they stamp out ruthlessly all signs and tendencies among the men which endanger the following of this path.

"I demand from Senior Commanders that they should take just as ruthless action against any commander who does not do his military duty. If a commander does not think he has the moral strength to occupy his position as a leader in this sense, he must report this immediately. He will then be used as a soldier in this fateful struggle in some position in which he is not burdened with any tasks as a leader." (D-650)

In the secret Battle order of the day of 19 April 1945, Doenitz gives an example of the type of under-officer who should be promoted:

"An example: In a prison camp of the auxiliary cruiser '*Cormoran*', in Australia, a petty officer acting as camp senior officer, had all communists who made themselves noticeable among the inmates of the camp systematically done away with in such a way that the guards did not notice. This petty officer is sure of my full recognition for his decision and his execution. After his return, I shall promote him with all means, as he has shown that he is fitted to be a leader." (D-650)

E. CONCLUSION.

Doenitz was no plain sailor, playing the part of a service officer, loyally obedient to the orders of the government of the day. He was an extreme Nazi who did his utmost to indoctrinate the Navy and the German people with the Nazi creed. It is no coincidence that it was he—not Goering, not Ribbentrop, not Goebbels, not Himmler—who was chosen to succeed Hitler. He played a large part in fashioning the U-boat fleet, one of the most deadly weapons of aggressive war. He helped to plan and execute aggressive wars, which he knew well were in deliberate violation of treaties. He was ready to stoop to any ruse where he thought he would not be found out: breaches of the Geneva Convention or of neutrality, where it might be asserted that sinking was due to a mine. He was ready to order, and did order, the murder of helpless survivors of sunken ships, an action only paralleled by that of his Japanese ally.

There can be few countries which do not mourn for men of the

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merchant navies whose destruction was due to the callow brutality with which, at the orders of this man, the German U-boats did their work.

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO KARL DOENITZ

Document	Description	Vol.	Page
	<p>Charter of the International Military Tribunal, Article 6.....</p> <p>International Military Tribunal, Indictment Number 1, Section IV (H); Appendix A.....</p>	<p>I</p> <p>I</p>	<p>5</p> <p>29,67</p>
	<p>—————</p> <p>Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.</p> <p>—————</p>		
*382-PS	<p>Affidavit of Korvettenkapitaen Moehle, England, 19 July 1945, concerning the interpretation of Doenitz's order of September 1942. (GB 202).....</p>	III	290
*498-PS	<p>Top Secret Fuehrer Order for killing of commandos, 18 October 1942. (USA 501).....</p>	III	416

Document	Description	Vol.	Page
*503-PS	Letter signed by Jodl, 19 October 1942, concerning Hitler's explanation of his commando order of the day before (Document 498-PS). (USA 542).....	III	426
*526-PS	Top secret notice, 10 May 1943, concerning saboteurs captured and shot in Norway. (USA 502).....	III	434
*1463-PS	Diary of the Navy, 1944, by Admiral Doenitz. (GB 184).....	IV	45
*2098-PS	Decree relating to Status of Supreme Commanders of Army and Navy, 25 February 1938. 1938 Reichsgesetzblatt, Part I, p. 215. (GB 206).....	IV	725
*2878-PS	Extracts from The Archive. (GB 187).....	V	540
*2887-PS	Certificate of positions held by Doenitz, 8 November 1945. (USA 12).....	V	552
2988-PS	Affidavit of Gerhard Wagner, Nurnberg, 19 November 1945, who identified document C-158 as expressing opinion of Doenitz and initialled by him.....	V	693
3150-PS	Interrogation of Doenitz, 3 November 1945.....	V	911
3151-PS	Interrogation of Falkenhorst, 24 October 1945.....	V	912
*3260-PS	"Churchill Sank the Athenia", published in Voelkischer Beobachter, 23 October 1939. (GB 218)...	V	1008
*C-5	Memorandum to Supreme Command of the Navy by Doenitz, 9 October 1939, concerning base in Norway. (GB 83).....	VI	815
*C-21	Extracts from file on Intensification of U-boat warfare. (GB 194).	VI	825
*C-105	Extract from German Naval War		

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*C-118	Extract from German Naval file, 18 July 1941, concerning authorization of attacks on U. S. Merchantmen. (GB 195).....	VI	916
*C-120	Directives for Armed Forces 1939-40 for "Fall Weiss", operation against Poland. (GB 41).....	VI	916
*C-122	Extract from Naval War Diary. Questionnaire on Norway bases, 3 October 1939. (GB 82).....	VI	928
*C-126	Preliminary Time Table for "Fall Weiss" and directions for secret mobilisation. (GB 45).....	VI	932
*C-151	Details for execution of operation "Weseruebung", 3 March 1940, signed by Doenitz. (GB 91).....	VI	965
*C-158	Minutes of conference of C-in-C of Navy with Hitler, 19 and 20 February 1945. (GB 209).....	VI	971
*C-171	Minutes of conference between Hitler and C-in-C of Navy regarding Copenhagen General Strike, 1 July 1944. (GB 210).....	VI	1002
*C-172	Order No. 1 for "Fall Weiss" signed by Doenitz. (GB 189).....	VI	1002
*C-178	Order of Navy concerning treatment of saboteurs, 11 February 1943. (USA 544).....	VI	1012
*C-179	Hitler's second decree, 18 October 1942, regarding annihilation of terror and sabotage units. (USA 543).....	VI	1014
*C-191	Demands by defendant Doenitz on sinking of merchant ships, 22 September 1939. (GB 193).....	VI	1018
*C-195	Report signed by Doenitz, 1944, giving support to Navy and Merchant Marine. (GB 211).....	VI	1022

Document	Description	Vol.	Page
*D-423	Memorandum of conversation between Hitler and Oshima, 3 January 1942. (GB 197).....	VII	53
*D-436	Citation on promotion of Doenitz to Vice Admiral, published in The Archive, 27 September 1940. p. 550. (GB 183).....	VII	54
*D-443	Speech by Doenitz to Naval officers at Weimar, 17 December 1943. (GB 185).....	VII	54
*D-444	Order of day and speech of Doenitz on death of Hitler, 1 May 1945. (GB 188).....	VII	55
*D-446	Extract from B.d.U. War Diary, 16 September 1942. (GB 198)....	VII	57
*D-566	Affidavit by Peter-Joseph Heisig, 27 November 1945. (GB 201)....	VII	72
*D-630	Extracts from B.d.U. War Diary and Order to all U-boat commanders; telegram from Schacht and in reply to Schacht. (GB 199).	VII	100
*D-638	Affidavit of Doenitz concerning sinking of Athenia, 17 November 1945. (GB 220).....	VII	114
*D-640	Speech by C-in-C of Navy to Commanders in Chief, 15 February 1944. (GB 186).....	VII	116
*D-641-A	Extracts from official reports concerning German attacks on merchant shipping, 3 September 1939 to September 1940. (GB 191)....	VII	116
*D-641-B	Extracts from official reports concerning German attacks on merchant shipping, 1 September 1940 to 28 February 1941. (GB 191)...	VII	120
*D-641-C	Sinkings by U-boats during the war, 1939-1945. (GB 191).....	VII	124
*D-642	Extract from Befehlshaber der U-bootes; Secret Standing Order		

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*D-646-A	Wireless talk by German naval reporter concerning Windjammer sunk by U-boat. (GB 205).....	VII	133
D-646-B	Extract from War Diary of U-105, 12 January 1943.....	VII	133
*D-647	Statement on sinking of SS "Antonico", which was torpedoed, set afire and sunk, 28 September 1942. (GB 204).....	VII	134
*D-648	List of Hitler-Doenitz meetings. (GB 207).....	VII	136
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*D-663	Operation Order "Atlantic" No. 56 for U-boats in Atlantic, 7 October 1943. (GB 200).....	VII	170
Statement I	The Laconia Case and German Submarine Warfare, by Karl Doenitz, Nurnberg, 7 and 19 October 1945.....	VIII	657
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15. ERICH RAEDER

A. POSITIONS HELD BY RAEDER.

Erich Raeder was born in 1876 and joined the German Navy in 1896. By 1915 he had become commander of the Cruiser *Koeln*. In 1928 he became an admiral, Chief of Naval Command, and head of the German Navy. In 1935 he became Commander-in-Chief of the Navy. In 1936 he became General Admiral, a creation of Hitler's, on his forty-seventh birthday. In 1937 he received the golden badge of honor of the Nazi Party. In 1938 he became a member of the Secret Cabinet Council. In 1939 he was made Grand Admiral, a rank created by Hitler, who presented Raeder with a marshal's baton. In 1943 he became Admiral Inspector of the German Navy, which was a kind of retirement into oblivion, since after January 1943 Doenitz was the effective commander of the German Navy. (2888-PS)

B. RAEDER'S PART IN THE CONSPIRACY TO PLAN AND WAGE WARS OF AGGRESSION.

During the years of Raeder's command of the German Navy, from 1928 to 1943, he played a vital role in building up the Navy as an instrument of war, to implement the Nazis' general plan of aggression.

(1) *Concealed rearmament in violation of the Treaty of Versailles.* In successive and secret steps, the small Navy permitted to Germany under the Treaty of Versailles was enormously expanded under the guidance of Raeder.

The story of Germany's secret rearmament in violation of the Treaty of Versailles is told in a history of the fight of the German Navy against Versailles, 1919 to 1935, which was published secretly by the German Admiralty in 1937 (C-156). This history shows that before the Nazis came to power the German Admiralty was deceiving not only the governments of other countries, but its own legislature and at one stage its own government, regarding the secret measures of rearmament ranging from experimental U-Boat and E-Boat building to the creation of secret intelligence and finance organizations. Raeder's role in these developments are described as follows:

"The Commander-in-Chief of the Navy, Admiral Raeder, had received hereby a far-reaching independence in the building and development of the Navy. This was only hampered insofar as the previous concealment of rearmament had to

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be continued in consideration of the Versailles Treaty.”
(C-156)

An illustration of Raeder's concealment of rearmament is contained in his statement that:

“In view of Germany's treaty obligations and the disarmament conference, steps must be taken to prevent the first E-boat Half-Flotilla from appearing openly as a formation of torpedo-carrying boats, as it was not intended to count these E-boats against the number of torpedo-carrying boats allowed them.” (C-141)

It appears that even in 1930 the intention ultimately to attack Poland was already current in German military circles. An extract from the History of War Organization and of the Scheme for Mobilization (C-135) which is headed “All 850/38”, suggesting that the document was written in 1938, reads:

“Since under the Treaty of Versailles all preparations for mobilization were forbidden, these were at first confined to a very small body of collaborators and were at first only of a theoretical nature. Nevertheless, there existed at that time an ‘Establishment Order’ and ‘Instructions for Establishment,’ the forerunners of the present-day scheme for Mobilization.

“An ‘establishment organization’ and ‘adaptable instructions for establishment’ were drawn up for each A-year, the cover name for a mobilization year.

“As stated, the ‘Establishment Organizations’ of that time were to be judged purely theoretically, for they had no positive basis in the form of men and materials. They provided, nevertheless, a valuable foundation for the establishment of a War Organization as our ultimate aim.”

* * * * *

“The crises between Germany and Poland, which were becoming increasingly acute, compelled us, instead of making theoretical preparations for war, to prepare in a practical manner for a purely German-Polish conflict.

“The strategic idea of a rapid forcing of the Polish base of Gdynia was made a basis, and the fleet on active service was to be reinforced by the auxiliary forces which would be indispensable to attain this strategic end, and the essential coastal and flak batteries, especially those in Pillau and Swinemunde were to be taken over. Thus in 1930 the Reinforcement Plan was evolved.” (C-135)

The extract further shows that Hitler had made a clear political request to build up for him in five years, that is, by April 1938,

armed forces which he could place in the balance as an instrument of political power. (C-135)

The Nazi seizure of power in 1933 was a signal to Raeder to go full speed ahead on rearmament. In June 1934 Raeder told Hitler that the German fleet must be developed to oppose England, and that therefore from 1936 on, the big ships must be armed with big guns to match the British "*King George*" class of battleship. Raeder also went along with Hitler's demand that the construction of U-Boats should be kept completely secret, especially in view of the Saar plebiscite (C-189). In November 1934 Raeder had a further talk with Hitler on the financing of naval rearmament, and on that occasion Hitler told him that in case of need he would get Doctor Ley to put 120,000,000 to 150,000,000 RM. from the Labor Front at the disposal of the Navy. (C-190)

Another example of the deceit used by Raeder in building up the German Navy is the fact that the true displacement of certain German battleships exceeded by twenty percent the displacement which the Nazis had reported to the British (C-23). In similar vein, it was ordered that auxiliary cruisers, which were being secretly constructed, should be referred to as "transport ships O." (C-166)

The support given by the German Navy to the German Armament Industry illustrates Raeder's concern with the broader aspects of Nazi policy and of the close link between Nazi politicians, German Service Chiefs, and German armament manufacturers. (C-29)

A commentary on post-1939 naval rearmament is contained in a letter from Raeder to the German Navy, dated 11 June 1940. This letter was given extensive distribution; in fact there is provision in the distribution list for 467 copies. This letter of Raeder's, which is marked with both self-justification and apology, reads:

"The most outstanding of the numerous subjects of discussion in the Officer Corps are the Torpedo position and the problem whether the naval building program, up to Autumn 1939, envisaged the possibility of the outbreak of war as early as 1939, or whether the emphasis ought not to have been laid, from the first, on the construction of U-boats.

"If the opinion is voiced in the Officer Corps that the entire naval building program has been wrongly directed, and that, from the first, the emphasis should have been on the U-boat weapon and, after its consolidation, on the large ships, I must emphasize the following matters:

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"The building up of the Fleet was directed according to the political demands, which were decided by the Fuehrer. The Fuehrer hoped, until the last moment, to be able to put off the threatening conflict with England until 1944-45. At that time the Navy would have had available a fleet with a powerful U-boat superiority and a much more favorable ratio as regards strength in all other types of ships, particularly those designed for warfare on the high seas.

"The development of events forced the Navy, contrary to the expectation even of the Fuehrer, into a war, which it had to accept while still in the initial stage of its rearmament. The result is that those who represent the opinion that the emphasis should have been laid, from the start, on the building of the U-boat arm, appear to be right. I leave undiscussed, how far this development, quite apart from difficulties of personnel, training and dockyards, could have been appreciably improved in any way in view of the political limits of the Anglo-German Naval Treaty. I leave also undiscussed, how the early and necessary creation of an effective Air Force slowed down the desirable development of the other branches of the forces. I indicate, however, with pride the admirable and, in spite of the political restraints in the years of the Weimar Republic, far-reaching preparation for U-boat construction, which made the immensely rapid construction of the U-boat arm, both as regards equipment and personnel, possible immediately after the assumption of power." (C-155)

This letter shows no trace of reluctance in cooperating with the Nazi program. On the contrary, it is evident that Raeder welcomed and became one of the pillars of the Nazi power.

(2) *Conversion of the Navy into a tool of the Nazi conspiracy.* Raeder, more than anyone else, was responsible for securing the unquestioned allegiance of the German Navy to the Nazi movement—an allegiance which Doenitz was to make even more firm and fanatical.

Raeder's approval of Hitler was shown particularly clearly on 2 August 1934, the day of Hindenburg's death, when Raeder and all the men under him swore a new oath of loyalty with considerable ceremony, this time to Adolf Hitler and no longer to the Fatherland (D-481). The new oath ran as follows:

"I swear this holy oath by God that I will implicitly obey the Leader of the German Reich and people, Adolf Hitler, the Supreme Commander of the Armed Forces and that, as a

brave soldier, I will be willing to stake my life at any time for this oath." (D-481)

For his fatherland, Raeder substituted the Fuehrer.

There is no need to elaborate upon the step by which the German Navy was progressively drawn into the closest alliance with the Nazi Party. The facts of history—such as the incorporation of the swastika into the ensign under which the German Fleet sailed, and the wearing of the swastika on the uniform of naval officers and men—these facts speak for themselves.

The Nazis, for their part, were not ungrateful for Raeder's obeisance and collaboration. His services in rebuilding the German Navy were widely recognized by Nazi propagandists and by the Nazi press. On his 66th birthday, the Chief Party Organ, the "*Voelkischer Beobachter*," published a special article about him, which summed up Raeder's contribution to Nazi development:

"It was to Raeder's credit to have already built up by that time a powerful striking force from the numerically small fleet, despite the fetters of Versailles.

"With the assumption of power through National Socialism began, too, the most fruitful period in the reconstruction of the German Fleet.

"The Fuehrer openly expressed his recognition of Raeder's faithful services and unstinted cooperation, by appointing him General Admiral on the 20th of April, 1936".

* * * * *

"As a soldier and a seaman, the General-Admiral has proved himself to be the Fuehrer's first and foremost naval collaborator." (D-448)

(3) *Raeder's political activities and responsibilities.* Raeder's personal part in the Nazi conspiracy arises from the fact that, from the time of the Nazi seizure of power, he became increasingly involved in responsibility for the general policies of the Nazi State.

Long before he was promoted to General-Admiral in 1936, he had become a member of the secret Reich Defense Council, joining it when it was founded, on 4 April 1933. Thus, at an early date, he was involved, both militarily and politically, in the Nazi conspiracy. These facts are contained in a document which contains the classic Nazi directive:

"Matters communicated orally cannot be proven; they can be denied by us in Geneva." (EC-177)

On 4 February 1938, Raeder was appointed to be a member of a newly formed Secret Advisory Council for Foreign Affairs

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(2031-PS). Three weeks later, a decree of Hitler's stated that, as well as being equal in rank with a Cabinet Minister, Raeder was also to take part in the sessions of the Cabinet (2098-PS). It is thus clear that Raeder's responsibility for the political decisions of the Nazi State was steadily developed from 1933 to 1938, and that in the course of time he had become a member of all the main political advisory bodies. He was a member of the inner councils of the conspirators.

As an illustration, Raeder was present at two of the key meetings at which Hitler openly declared his intention of attacking neighboring countries. The first of these was Hitler's conference at the Reichs Chancellory on 5 November 1937, concerning matters which were said to be too important to discuss in the larger circle of the Reich Cabinet. The minutes of this meeting establish conclusively that the Nazis premeditated their crimes against peace (386-PS). The second meeting which Raeder attended was Hitler's conference on 23 May 1939 (L-79). This was the conference at which Hitler confirmed his intention to make a deliberate attack upon Poland at the first opportunity, well knowing that this must cause widespread war in Europe.

In addition to those two key conferences, Raeder was also present at many others, where he placed his knowledge and professional skill at the service of the Nazi war machine. Raeder's promotion of the military planning and preparation for the Polish campaign is discussed in Section 8 of Chapter IX.

(4) *The "Athenia Case"*. Once the war was underway, Raeder also showed himself to be a master of one of the conspirators' favorite techniques—deceit on the grand scale. His handling of the case of the "*Athenia*" is a case in point.

The "*Athenia*" was a passenger liner which was sunk in the evening of 3 September 1939, when she was outward bound to America. About one hundred lives were lost.

On 23 October 1939, the Nazi Party paper, the "*Voelkischer Beobachter*," published in screaming headlines the story, "Churchill sank the *Athenia*" (3260-PS). The scale on which this deliberate lie was perpetrated is indicated by the rest of the "*Voelkischer Beobachter*" for that day; on the front page, with large red underlining, were the words: "Now we indict Churchill" (3260-PS). An extract from the third page of this issue of the "*Voelkischer Beobachter*" refers to photograph of the ship and reads as follows:

"Churchill sank the '*Athenia*'. The above picture shows the proud '*Athenia*', the ocean giant, which was sunk by Chur-

chill's crime. One can clearly see the big radio equipment on board the ship. But nowhere was an SOS heard from the ship. Why was the *'Athenia'* silent? Because her captain was not allowed to tell the world anything. He very prudently refrained from telling the world that Winston Churchill attempted to sink the ship, through the explosion of an infernal machine. He knew it well, but he had to keep silent. Nearly fifteen hundred people would have lost their lives if Churchill's original plan had resulted as the criminal wanted. Yes, he longingly hoped that the one hundred Americans on board the ship would find death in the waves so that the anger of the American people, who were deceived by him, should be directed against Germany as the presumed author of the deed. It was fortunate that the majority escaped the fate intended for them by Churchill. Our picture on the right shows two wounded passengers. They were rescued by the freighter, *'City of Flint'*, and as can be seen here, turned over over to the American coast guard boat *'Gibb'* for further medical treatment. They are an unspoken accusation against the criminal Churchill. Both they and the shades of those who lost their lives call him before the Tribunal of the world and ask the British people, 'How long will the office, one of the richest in tradition known to Britain's history, be held by a murderer?' " (3260-PS)

Contrary to these Nazi allegations, the *"Athenia"* made repeated wireless distress signals, which were in fact intercepted and answered by His Majesty's ships *"Electra"* and *"Escort,"* as well as by the Norwegian steamship *"Knute Nelson"* and the Swedish yacht *"Southern Cross."* In fact, the *"Athenia"* was sunk by the German U-boat U-30. So unjustifiable was the torpedoing of the *"Athenia,"* however, that the German Navy embarked on a course of falsification of their records and on other dishonest measures, in the hope of hiding the guilty secret. Meanwhile, the Nazi propagandists sought to shift the responsibility to the British. The Captain of U-boat 30, *Oberleutnant Lemp*, was later killed in action, but some of the original crew of the U-30 have survived to tell the tale as prisoners of war. An affidavit by a member of the crew of the U-30 establishes the truth of this episode and reveals the Nazis' attempt to conceal the true facts (D-654). The affidavit reads:

"I, Adolf Schmidt, Official Number N 1043-33T,

"Do solemnly declare that:

"I am now confined to Camp No. 133, Lethbridge, Alberta.

"That on the first day of war, 3 September 1939, a ship of

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approximately 10,000 tons was torpedoed in the late hours of the evening by the U-30.

"That after the ship was torpedoed and we surfaced again, approximately half an hour after the explosion, the Commandant called me to the tower in order to show me the torpedoed ship.

"That I have seen the ship with my very eyes, but that I do not think that the ship could see our U-boat at that time on account of the position of the moon.

"That only a few members of the crew had an opportunity to go to the tower in order to see the torpedoed ship.

"That apart from myself, *Oberleutnant* Hinsch was in the tower when I saw the steamer after the attack.

"That I observed that the ship was listing.

"That no warning shot was fired before the torpedo was launched.

"That I myself observed much commotion on board of the torpedoed ship.

"That I believe that the ship had only one smoke stack.

"That in the attack on this steamer one or two torpedoes were fired which did not explode but that I myself heard the explosion of the torpedo which hit the steamer.

"That *Oberleutnant* Lemp waited until darkness before surfacing.

"That I was severely wounded by aircraft 14 September 1939.

"That *Oberleutnant* Lemp, shortly before my disembarkation in Reykjavik 19 September 1939, visited me in the forenoon in the Petty Officers quarters where I was lying severely wounded.

"That *Oberleutnant* Lemp then had the Petty Officers' quarters cleared in order to be alone with me.

"That *Oberleutnant* Lemp then showed me a declaration under oath according to which I had to bind myself to mention nothing concerning the incidents of 3 September 1939 on board the U-30.

"That this declaration under oath had approximately the following wording: 'I, the undersigned, swear hereby that I shall shroud in secrecy all happenings of 3 September 1939 on board the U-30, regardless whether foe or friend, and that I shall erase from my memory all happenings of this day.'

"That I have signed this declaration under oath, which was drawn up by the Commandant in his own handwriting, with my left hand very illegibly.

"That later on in Iceland when I heard about the sinking of the '*Athenia*,' the idea came into my mind that the U-30 on the 3 September 1939 might have sunk the '*Athenia*,' especially since the Captain caused me to sign the above-mentioned declaration.

"That up to today I have never spoken to anyone concerning these events.

"That due to the termination of the war I consider myself freed from my oaths." (D-654)

Doenitz's part in the "*Athenia*" episode is described in an affidavit which he has sworn, in English (D-638). At the end of the affidavit four words are added in Doenitz's handwriting, the significance of which will be adverted to shortly. Doenitz states:

"U-30 returned to harbor about Mid-September. I met the captain, *Oberleutnant* Lemp, on the lockside at *Wilhelmshafen*, as the boat was entering harbor, and he asked permission to speak to me in private. I noticed immediately that he was looking very unhappy and he told me at once that he thought he was responsible for the sinking of the '*Athenia*' in the North Channel area. In accordance with my previous instructions, he had been keeping a sharp lookout for possible armed merchant cruisers in the approaches to the British Isles, and had torpedoed a ship he afterwards identified as the '*Athenia*' from wireless broadcasts, under the impression that she was an armed merchant cruiser on patrol. I had never specified in my instructions any particular type of ship as armed merchant cruiser nor mentioned any names of ships. I despatched Lemp at once by air to report to the SKL at Berlin; in the meantime, I ordered complete secrecy as a provisional measure. Later the same day or early on the following day, I received a verbal order from *Kapitaen zur See* Fricke [head of the Operations Division of the Naval War Staff] that :

"1. The affair was to be kept a total secret.

"2. The OKM considered that a court martial was not necessary as they were satisfied that the captain had acted in good faith.

"3. Political explanations would be handled by the OKM.

"I had had no part whatsoever in the political events in which the Fuehrer claimed that no U-boat had sunk the '*Athenia*.'

"After Lemp returned to *Wilhelmshafen* from Berlin, I interrogated him thoroughly on the sinking and formed the impression that although he had taken reasonable care, he

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had still not taken sufficient precautions to establish fully the identity of the ship before attacking. I had previously given very strict orders that all merchant vessels and neutrals were to be treated according to naval prize law, before the occurrence of this incident. I accordingly placed him under cabin arrest, as I felt certain that a court-martial could only acquit him and would entail unnecessary publicity" [whereat Doenitz has added the words, "and too much time"]. (D-638)

Doenitz's suggestion that the captain of the U-30 sank the "*Athenia*" in mistake for a merchant cruiser must be considered in the light of Doenitz's order of 22 September 1939, that

"the sinking of a merchant ship must be justified in the War Diary as due to possible confusion with a warship or an auxiliary cruiser." (C-191)

The U-30 returned to Wilhelmshaven on 27 September 1939. On that date another fraudulent entry was made in the War Diary of the Chief of U-boats:

"U-30 comes in. She had sunk: 'S.S. *Blairlogie*'; 'S.S. *Fanad Head*'." (D-659)

There is no reference at all to the sinking of the "*Athenia*."

Perhaps the most elaborate forgery in connection with this episode was made on the log book of the U-30, which was responsible for sinking the "*Athenia*" (D-662). The Prosecution submits that the first page of that log book is a forgery which shows a curiously un-German carelessness about detail. It is clear on the original document that the first page of the text is a substitute for pages that have been removed. The dates in the first column of that page are in Arabic numerals. On the second and more authentic-looking page, and throughout the other pages of the log book, they are in Roman numerals. (D-662)

Furthermore, all reference to the sinking of the "*Athenia*" on 3 September is omitted. The log book shows that at 1400 hours on 3 September 1939 the position of the U-30 is given as AL 0278, which is one of the few positions quoted at all upon that page, and which was some 200 miles west of the position where the "*Athenia*" was sunk. The recorded course (due south) and the recorded speed (10 knots)—those entries are obviously designed to suggest that the U-30 was well clear of the "*Athenia*'s" position on 3 September. (D-662)

Finally, the original shows Lemp's own signature upon the page dealing with 3 September differs from his other signature in the text. The difference appears in the final letter of his name. The signature in question shows a Roman "p", whereas on the

other signatures there is a script "p." The inference is that either the signature is a forgery or it was made by Lemp at some other, and probably considerably later, date. (D-662)

The story of the "*Athenia*" establishes that the German Navy under Raeder embarked upon deliberate fraud. Even before receiving Lemp's reports, the German Admiralty had repeatedly denied the possibility that a German U-boat could be in the area concerned. The charts which showed the disposition of U-boats and the position of sinking of the "*Athenia*" (discussed in Section 14 on Doenitz) have shown the dishonesty of these announcements. The conclusion to be drawn is this: Raeder, as head of the German Navy, knew all the facts. Censorship and information control in Nazi Germany were so complete that Raeder, as head of the Navy, must have been party to the falsification published in the "*Voelkischer Beobachter*," which was an attempt by the Nazi conspirators to save face with their own people and to uphold the myth of an infallible Fuehrer backed by an impeccable war machine.

(5) *The Attack on Norway and Denmark.* Truth mattered little in Nazi propaganda, and Raeder's camouflage was not confined to painting his ships or sailing them under the British flag, as he did in attacking Norway or Denmark. Raeder's proud comment upon the invasions of Denmark and Norway, in which he played a leading part, (see Section 9 of Chapter IX on aggression against Norway and Denmark), is contained in a letter of Raeder's to the Navy, which stated in part:

"The operations of the Navy in the occupation of Norway will for all time remain the great contribution of the Navy to this war." (C-155)

(6) *The Attack on the U.S.S.R.* With the occupation of Norway and much of Western Europe safely completed, Hitler turned his eyes towards Russia. Raeder was against the attack on Russia and tried his best to dissuade Hitler from embarking upon it. Raeder approached the problem with cynicism. He did not object to the aggressive war on Russia because of its illegality, its immorality, its inhumanity. His only objection to it was its untimeliness. He wanted to finish England first before going further afield.

The story of Raeder's part in the deliberations upon the war against Russia is told in extracts from a German compilation of official naval notes by the German Naval War Staff (C-170). The first entry, dated 26 September 1940, shows that Raeder was advocating to Hitler an aggressive Mediterranean policy, in which

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the Navy would play a paramount role, as opposed to a continental land policy. The entry reads:

"Naval Supreme Commander with the Fuehrer: Naval Supreme Commander presents his opinion about the situation: the Suez Canal must be captured with German assistance. From Suez advance through Palestine and Syria; then Turkey in our power. The Russian problem will then assume a different appearance. Russia is fundamentally frightened of Germany. It is questionable whether action against Russia from the North will then be still necessary." (C-170)

The entry for 14 November reads:

"Naval Supreme Commander with the Fuehrer: Fuehrer is still inclined to instigate the conflict with Russia. Naval Supreme Commander recommends putting it off until the time after the victory over England since there is heavy strain on German forces and the end of warfare is not in sight. According to the opinion of the Naval Supreme Commander, Russia will not press for a conflict within the next year, since she is in the process of building up her Navy with Germany's help—38 cm. turrets for battleships, etc.:—thus, during these years she continues to be dependent upon German assistance." (C-170)

And again, the entry for 27 December states:

"Naval Supreme Commander with the Fuehrer: Naval Supreme Commander emphasizes again that strict concentration of our entire war effort against England as our main enemy is the most urgent need of the hour. On the one side England has gained strength by the unfortunate Italian conduct of the war in the eastern Mediterranean and by the increasing American support. On the other hand, however, she can be hit mortally by a strangulation of her ocean traffic which is already taking effect. What is being done for submarine and naval air force construction is much too little. Our entire war potential must work for the conduct of the war against England; thus for Navy and air force every fissure of strength prolongs the war and endangers the final success. Naval Supreme Commander voices serious objections against Russia campaign before the defeat of England." (C-170)

The entry for 18 February 1941 reads as follows:

"Chief, Naval Operations (SKL) insists on the occupation of Malta even before *'Barbarossa'*." (C-170)

The 23 February entry reads:

"Instruction from Supreme Command, Armed Forces

(OKW) that seizure of Malta is contemplated for the fall of 1941 after the execution of '*Barbarossa*.'" (C-170)

The entry for 19 March 1941 shows that by March 1941 Raeder had begun to consider what prospects of naval action the Russian aggression had to offer. The entry states:

"In case of '*Barbarossa*', Supreme Naval Commander describes the occupation of Murmansk as an absolute necessity for the Navy. Chief of the Supreme Command, Armed Forces, considers compliance very difficult." (C-170).

In the meantime, the entries show that Mussolini was crying out for a more active Nazi Mediterranean policy. The entry for 30 May reads:

"[Duce] demands urgently decisive offensive Egypt-Suez for fall 1941; 12 divisions are needed for that; 'This stroke would be more deadly to the British Empire than the capture of London'; Chief Naval Operations agrees completely." (C-170)

Finally, the entry for 6 June indicates the strategic views of Raeder and the German Navy at that stage:

"Naval Supreme Commander with the Fuehrer: Memorandum of the Chief, Naval Operations. Observation on the strategic situation in the Eastern Mediterranean after the Balkan campaign and the occupation of Crete and further conduct of the war."

* * * * *

"The memorandum points with impressive clarity to the decisive aims of the war in the Near East. Their advancement has moved into grasping distance by the successes in the Aegean area, and the memorandum emphasizes that the offensive utilization of the present favorable situation must take place with the greatest acceleration and energy, before England has again strengthened her position in the Near East with help from the United States of America. The memorandum realizes the unalterable fact that the campaign against Russia would be opened very shortly; demands, however, that the undertaking '*Barbarossa*', which because of the magnitude of its aims naturally stands in the foreground of the operational plans of the armed forces leadership, must under no circumstances lead to an abandonment, diminishing delay of the conduct of the war in the Eastern Mediterranean." (C-170)

Thus Raeder, throughout, was seeking an active role for his Navy in the Nazi war plans.

Once Hitler had decided to attack Russia, Raeder sought a role

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for the Navy in the Russian campaign. The first naval operational plan against Russia was characteristically Nazi. The entry for 15 June 1941 in the notes of the German Naval War Staff reads:

"On the proposal of Chief Naval Operations, use of arms against Russian submarines, south of the northern boundary of the Poland warning area is permitted immediately; ruthless destruction is to be aimed at." (C-170)

Keitel provides a typically fraudulent pretext for this action in his letter dated 15 June 1941 (C-38):

"Subject: Offensive action against enemy submarines in the Baltic Sea.

"To:

"High Command of the Navy—OKM (SKL)

"Offensive action against submarine south of the line Memel-southern tip of Oeland is authorized if the boats cannot be definitely identified as Swedish during the approach by German naval forces.

"The reason to be given up to B-day is that our naval forces believed to be dealing with penetrating British submarines." (C-38).

This order was given on 15 June 1941, although the Nazi attack on Russia did not take place until 22 June 1941.

(7) *Instigation of Japanese aggression.* In the meantime, Raeder was urging Hitler, as early as 18 March 1941, to enlarge the scope of the world war by inducing Japan to seize Singapore. Raeder's views at his audience with Hitler on 18 March were as follows:

"Japan must take steps to seize Singapore as soon as possible, since the opportunity will never again be as favorable (whole English Fleet contained; unpreparedness of U.S.A. for war against Japan; inferiority of U.S. Fleet vis-a-vis the Japanese). Japan is indeed making preparations for this action, but according to all declarations made by Japanese officers she will only carry it out if Germany proceeds to land in England. Germany must therefore concentrate all her efforts on spurring Japan to act immediately. If Japan has Singapore all other East Asiatic questions regarding the U.S.A. and England are thereby solved (Guam, Philippines, Borneo, Dutch East Indies).

"Japan wishes if possible to avoid war against U.S.A. She can do so if she determinedly takes Singapore as soon as possible." (C-152)

By 20 April 1941 Hitler had agreed with Raeder's proposition to induce the Japanese to take offensive action against Singapore. The entry in the notes of the German Naval War Staff, for 20 April 1941, reads:

"Naval Supreme Commander with the Fuehrer: Navy Supreme Commander asks about result of Matsuoka's visit, and evaluation of Japanese-Russian pact. Fuehrer has informed Matsuoka, 'that Russia will not be touched if she behaves friendly according to the treaty. Otherwise, he reserves action for himself.' Japan-Russia pact has been concluded in agreement with Germany, and is to prevent Japan from advancing against Vladivostok, and to cause her to attack Singapore." (C-170).

The real purpose of Hitler's words to Matsuoka is revealed in another description of their conversation:

"* * * At that time the Fuehrer was firmly resolved on a surprise attack on Russia, regardless of what was the Russian attitude to Germany. This, according to reports coming in, was frequently changing. The communication to Matsuoka was designed entirely as a camouflage measure and to ensure surprise." (C-66)

The Axis partners were not even honest with each other. This is typical of the jungle diplomacy with which Raeder associated himself.

C. RAEDER'S PART IN THE CONSPIRACY TO COMMIT WAR CRIMES.

(1) *Instigation of the Navy to Violate the Rules of Warfare.* Raeder throughout his career showed a complete disregard for any international rule or usage of war which conflicted with his intention of carrying through the Nazi program of conquest. Raeder has himself summarized his attitude in a long memorandum compiled by Raeder and the German Naval War Staff and dated 15 October 1939, only a few weeks after the war started (UK-65). The memorandum, which concerns the intensification of the war at sea, reads in part as follows:

"I. Military requirements for the decisive struggle against Great Britain.

"Our naval strategy will have to employ all the military means at our disposal as expeditiously as possible. Military success can be most confidently expected if we attack British sea-communications wherever they are accessible to us with the greatest ruthlessness; the final aim of such attacks is to

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cut off all imports into and exports from Britain. We should try to consider the requirements. It is desirable to base all military measures taken on existing International Law; however measures which are considered necessary from a military point of view, provided a decisive success can be expected from them, will have to be carried out, even if they are not covered by existing International Law. In principle therefore, any means of warfare which is effective in breaking enemy resistance should be used on some legal conception, even if that entails the creation of a new code of naval warfare.

"The supreme War Council will have to decide what measures of military and legal nature are to be taken. Once it has been decided to conduct economic warfare in its most ruthless form, in fulfilment of military requirements, this decision is to be adhered to under all circumstances and under no circumstances may such a decision for the most ruthless form of economic warfare, once it has been made, be dropped or released under political pressure from neutral powers; that is what happened in the World War to our own detriment. Every protest by neutral powers must be turned down. Even threats of further countries, including the U.S. coming into the war, which can be expected with certainty should the war last a long time, must not lead to a relaxation in the form of economic warfare once embarked upon. The more ruthlessly economic warfare is waged, the earlier will it show results and the sooner will the war come to an end. The economic effect of such military measures on our own war economy must be fully recognized and compensated through immediate re-orientation of German war economy and the re-drafting of the respective agreements with neutral states; for this, strong political and economic pressure must be employed if necessary." (UK-65)

Those comments of Raeder are revealing and show that as an active member of the inner councils of the Nazi state up to 1943, Raeder must share responsibility for the many war crimes committed by his confederates and underlings in the course of their wars.

(2) *The Navy's Crimes at Sea.* Apart from this over-all responsibility of Raeder, certain war crimes were essentially initiated or ordered through the naval chain of command by Raeder himself.

(a) *Attacks on neutral shipping.* The minutes of a meeting

between Hitler and Raeder on 30 December 1939 read in part as follows:

"The Chief of Naval War Staff requests that full power be given to the Naval War Staff in making any intensification suited to the situation and to the means of war. The Fuehrer fundamentally agrees to the sinking without warning of Greek ships in the American prohibited area in which the fiction of mine danger can be upheld, e.g., the Bristol Channel." (C-27)

At this time Greek ships also were neutral. This is another demonstration that Raeder was a man without principle.

This incitement to crime was a typical group effort, since a directive effectuating those naval views was issued on 30 December 1939 by the OKW, and signed by Jodl (C-12). This directive reads:

"On the 30th of December 1939, according to a report of Ob.d.M., the Fuehrer and Supreme Commander of the Armed Forces decided that:

"(1) Greek merchant ships in the area around England declared by U.S.A. to be a barred zone are to be treated as enemy vessels.

"(2) In the Bristol Channel, all shipping may be attacked without warning—where the impression of a mining incident can be created.

"Both measures are authorized to come into effect immediately." (C-12)

A pencilled note at the foot of this directive reads:

"Add to (1) Attack must be carried out without being seen. The denial of the sinking of these steamships in case the expected protests are made must be possible." (C-12)

Another example of the callous attitude of Raeder's Navy towards neutral shipping is found in an entry in Jodl's diary for 16 June 1942 (1807-PS). This extract reads as follows:

"The operational staff of the Navy (SKL) applied on the 29th May for permission to attack the Brazilian sea and air forces. The SKL considers that a sudden blow against the Brazilian naval and merchant ships is expedient at this juncture (a) because defense measures are still incomplete; (b) because there is the possibility of achieving surprise; and (c) because Brazil is to all intents and purposes fighting Germany at sea." (1807-PS).

This was a plan for a kind of Brazilian "Pearl Harbor," although war did not in fact break out between Germany and Brazil until the 22 August 1942.

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Raeder also caused the Navy to participate in war crimes ordered by other conspirators. A single example will suffice.

(b) *The order to shoot commandos.* On 28 October 1942 the head of the Operations Division of the Naval War Staff promulgated to naval commands Hitler's order of 18 October 1942 requiring the shooting of commandos. The effect of this order was to deny the protection of the Geneva Convention to captured commandos. The document dated 28 October 1942 reads:

"Enclosed please find a Fuehrer Order regarding annihilation of terror and sabotage units.

"This order must not be distributed in writing by Flotilla leaders, Section Commanders or officers of this rank.

"After verbal distribution to subordinate sections the above authorities must hand this order over to the next highest section which is responsible for its confiscation and destruction." (C-179).

It will be difficult to conceive of clearer evidence than this, that Raeder appreciated the wrongfulness of Hitler's commando order.

One example will show that this order was executed by the German Navy during the period when Raeder was its Commander.

A certain commando operation of December 1942 had as its objective an attack on shipping in Bordeaux harbor. The *Wehrmacht* account of this incident states that six of the ten participants in that commando raid were arrested, and that all were shot on 23 March 1943 (UK-57). On this particular occasion the Navy under Raeder had implemented Hitler's order much more expeditiously. This fact appears in extracts from the war diary of Admiral Bachmann, who was the German Flag Officer in charge of Western France (C-176). The entry for 10 December 1942 reads:

"About 1015. Telephone call from personal representative of the Officer-in-charge of the Security Service in Paris, SS Obersturmfuehrer Dr. Schmidt to Flag Officer-in-charge's Flag Lieutenant, requesting postponement of the shooting, as interrogation had not been concluded. After consultation with the Chief of Operations Staff the Security Service had been directed to get approval direct from Headquarters. "1820. Security Service, Bordeaux, requested Security Service authorities at Fuehrer's headquarters to postpone the shooting for three days. Interrogations continued for the time being." (C-176)

The entry for the next day, 11 December 1942, reads:

"Shooting of the two prisoners was carried out by a unit

(strength 1/16) belonging to the naval officer in charge Bordeaux, in the presence of an officer of the Security Service, Bordeaux, on order of the Fuehrer." (C-176)

A note in green pencil in the margin opposite this entry reads:

"Security Service should have done this. Phone Flag Officer in Charge in future cases." (C-176)

This provision for "future cases" was in fact an order that commandos should be handed over to the Security Service to be shot.

It is therefore evident from Admiral Bachmann's war diary (C-176) that the first two men to be shot from the Bordeaux operation were actually put to death by a naval firing party on 11 December 1942.

The Naval War Staff had this comment to make upon that shooting:

"The Naval Commander, West France, reports that during the course of the day explosives with magnets to stick on, mapping material dealing with the mouth of the Gironde, aerial photographs of the port installations at Bordeaux, camouflage material and food and water for several days were found. Attempts to salvage the canoe were unsuccessful. The Naval Commander, West France, has ordered that both soldiers be shot immediately for attempted sabotage, if their interrogation, which has begun, confirms what has so far been discovered. Their execution has, however, been postponed in order to obtain more information.

"According to a *Wehrmacht* report, both soldiers have meanwhile been shot. The measure would be in accordance with the Fuehrer's special order, but is nevertheless something new in international law, since the soldiers were in uniform." (D-658)

That last sentence shows clearly that the Naval High Command under Raeder accepted allegiance to the Nazi conspiracy as of greater importance than any question of moral principle or professional honor. The shooting of commandos was not an act of war, but simple murder.

D. RAEDER'S ASSISTANCE TO THE CONSPIRACY THROUGH HIS POLITICAL ACTIVITIES.

Raeder was not just a military puppet carrying out political orders. Before the Nazis came to power he had worked actively to rebuild the German Navy behind the back of the Reichstag. When the Nazis seized power, he unreservedly joined forces with them. He was the prime mover in transferring the loyalty of

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the German Navy to the Nazi Party. He himself was as much a member of the inner councils of the Nazis as any other defendant. He accepted membership in their main political advisory bodies.

He was well aware of the designs of the Nazis and assisted in their realization not only as a military technician, but also as a mendacious politician. And he furthered brutal methods of warfare. And yet of all the conspirators Raeder was one of the first to fall from his high position. It is true that the extension of the war beyond the boundaries of Poland came as a disappointment to him. His vision of a Nazi Armada mastering the Atlantic reckoned without Ribbentrop's diplomacy and Hitler's ideas of strategy.

In a memorandum dated 10 January 1943, just before his retirement, entitled, "The Importance of German Surface Forces for the War by powers signatory to the Three Power Pact," Raeder stated:

"It was planned by the leaders of the National Socialist Reich to give the German Navy by 1944/45 such a strength that it would be possible to strike at the British vital arteries in the Atlantic with sufficient ships, fighting power and range.

"In 1939, the war having begun five years earlier, the construction of these forces was still in its initial stages."
(C-161).

This memorandum shows how completely Raeder was cheated in his ambitious plans by miscalculation as to when his high seas fleet would be required. Raeder made a great effort to recover some of his lost glory with his attack on Norway. He made many efforts to liven up the war at sea, both at the expense of neutrals and also of the customs and laws of the sea. His further schemes, however, were disregarded by his fellow conspirators, and in January 1943 he retired, and thereafter was a leader in name only.

The record, in Raeder's handwriting, of his interview with Hitler on 6 January 1943, which led to Raeder's retirement, states in part:

"If the Fuehrer was anxious to demonstrate that the parting was of the friendliest and wished that the name Raeder should continue to be associated with the Navy, particularly abroad, it would perhaps be possible to make an appointment to General Inspector, giving appropriate publicity in the press, etc. But a new C. in C. Navy with full responsibility for this office must be appointed. The position of General

Inspector, or whatever it was decided to call it, must be purely nominal.

"Hitler accepted this suggestion with alacrity. The General Inspector could perhaps carry out special tasks for him, make tours of inspection, etc. The name of Raeder was still to be associated with the Navy. After C. in C. Navy had repeated his request, the Fuehrer definitely agreed to 30th January as his release date. He would like to think over the details." (D-655)

This was Raeder's twilight, different from the period of his ascendancy in 1939, when on 12 March he spoke on the occasion of the German Heroes' Day (D-653). In that speech, during the celebration of "freedom to rearm," Raeder stated, in the presence of Hitler and representatives of the Party and Armed Forces:

"* * * National Socialism, which originates from the spirit of the German fighting soldier, has been chosen by the German people as its ideology. The German people follow the symbols of its regeneration with the same great love and fanatical passion. The German people has had practical experience of National Socialism and it has not been imposed, as so many outside critics believe. The Fuehrer has shown his people that in the National Socialist racial community lies the greatest and invincible sources of strength, whose dynamic power ensures not only peace at home, but also enables to make use of all the Nation's creative powers." (D-653).

After eulogies of Hitler, Raeder continued as follows:

"This is the reason for the clear and unsparing summons to fight Bolshevism and international Jewry, whose race-destroying activities we have sufficiently experienced on our own people. Therefore, the alliance with all similar-minded Nations who, like Germany, are not willing to allow their strength, dedicated to construction and peaceful work at home, to be disrupted by alien ideologies as by parasites of a foreign race. * * * If later on we instruct in the technical handling of weapons, this task demands that the young soldier should also be taught National Socialist ideology and the problems of life. This part of the task, which becomes for us both a duty of honor and a demand which cannot be refused, can and will be carried out if we stand shoulder to shoulder and in sincere comradeship to the Party and its organization. The armed forces and the

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Party thus became more and more united in attitude and spirit."

* * * * *

"Germany is the protector of all Germans within and beyond our frontiers. The shots fired at Almeria are proof of that." (D-653)

(The reference is to the bombardment of the Spanish town of Almeria, carried out by a German naval squadron on 31 May 1937 during the course of the Spanish Civil War.) After further panegyrics on the Fuehrer and his leadership, Raeder hinted of what was to come:

"They all planted into a younger generation the great tradition of death for a holy cause, knowing that their blood will lead the way towards the freedom of their dreams." (D-653)

That speech of Raeder's illustrates his deep personal involvement in the Nazi conspiracy. There is the mixture of heroics and fatalism that led millions of Germans to slaughter. There are boasts of the violence used on the people of Almeria. There is the lip service to peace by a man who planned conquest. "Armed forces and party have become more and more united in attitude and spirit"—there is the authentic Nazi voice. There is the assertion of racialism. Finally, there is the anti-Semitic gesture, Raeder's contribution to the outlook that produced Belsen. Imbued with these ideas, he became an active participant on both the political and military level in the Nazi conspiracy to wage wars of aggression and to wage them ruthlessly.

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO ERICH RAEDER

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6.....	I	5
	International Military Tribunal, Indictment Number 1, Section IV (H); Appendix A.....	I	29,67

Document	Description	Vol.	Page
	<p>Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.</p>		
*386-PS	Notes on a conference with Hitler in the Reich Chancellery, Berlin, 5 November 1937, signed by Hitler's adjutant, Hossbach, and dated 10 November 1937. (USA 25).....	III	295
*498-PS	Top Secret Fuehrer Order for killing of commandos, 18 October 1942. (USA 501).....	III	416
*503-PS.	Letter signed by Jodl, 19 October 1942, concerning Hitler's explanation of his commando order of the day before (Document 498-PS). (USA 542).....	III	426
*798-PS	Hitler's speech to Commanders-in-Chief, at Obersalzberg, 22 August 1939. (USA 29).....	III	581
*1807-PS	Extract from Jodl Diary, 16 June 1942, concerning attack on Brazilian sea and air forces. (GB 227).	IV	377
*2031-PS	Decree establishing a Secret Cabinet Council, 4 February 1938.		

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Document	Description	Vol.	Page
*2098-PS	1938 Reichsgesetzblatt, Part I, p. 112. (GB 217).....	IV	654
	Decree relating to Status of Supreme Commanders of Army and Navy, 25 February 1938. 1938 Reichsgesetzblatt, Part I, p. 215. (GB 206).....	IV	725
*2194-PS	Top secret letter from Ministry for Economy and Labor, Saxony, to Reich Protector in Bohemia and Moravia, enclosing copy of 1938 Secret Defense Law of 4 September 1938. (USA 36).....	IV	843
2879-PS	Extracts from The Archives.....	V	542
*2888-PS	Certificate of positions held by Raeder, 14 November 1945. (USA 13).....	V	553
*3260-PS	"Churchill Sank the Athenia", published in Voelkischer Beobachter, 23 October 1939. (GB 218)...	V	1008
*C-12	OKW directive, signed Jodl, 20 December 1939, concerning conduct of U-Boat warfare on Merchant shipping against England. (GB 226).....	VI	818
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16. BALDUR VON SCHIRACH

A. SCHIRACH'S NSDAP MEMBERSHIP, NSDAP POSITIONS, AND GOVERNMENT POSITIONS.

In an affidavit (3302-PS), Schirach has declared that he held the following positions:

Positions in the Nazi Party

- (1) NSDAP member, 1925 to 1945.
- (2) Leader of the National Socialist Students League, 1929-1931.
- (3) Leader of the Hitler Youth organization, 1931-1940.
- (4) Reich Youth Leader (*Reichsjugendfuehrer*) on the Staff of the SA Supreme Command under Ernst Roehm, 1931-1932.
- (5) Reich Youth Leader (*Reichsjugendfuehrer*) of the NSDAP, 1931-1940; in 1932 Schirach became an independent Reich Leader (*Reichsleiter*), and no longer remained on the Staff of the SA Supreme Command.
- (6) Gruppenfuehrer (Lt. General) of the SA, 1931-1941.
- (7) Reich Leader (*Reichsleiter*) for Youth Education in the NSDAP, 1932-1945.
- (8) Gau Leader (Gauleiter) of the Reichsgau Vienna, 1940-1945.
- (9) Obergruppenfuehrer (General) of the SA, 1941-1945.

Governmental Positions

- (1) Reich Youth Leader, 1933-1940.
- (2) Reich Governor (*Reichsstatthalter*) of the Reichsgau Vienna, 1940-1945.
- (3) Reich Defense Commission of Vienna, 1940-1945.
- (4) Deputy to the Fuehrer for the Inspection of the Hitler Youth (*Beauftragter der Fuehrer fuer die Inspektion der Gesamten Hitler Jugend*), 1940-1945.

Schirach was also a member of the Reichstag from 1932 to 1945 (2973-PS).

B. SCHIRACH WAS AN INTIMATE AND SLAVISH FOLLOWER OF HITLER SINCE 1925.

As early as 1925 Baldur von Schirach, then 18 years old, joined the Nazi conspirators. Upon special request of Hitler, he went to Munich in order to study Party affairs. After having joined the NSDAP in 1925, he became active in converting students to National Socialism (3302-PS). This was the start of Schirach's conspiratorial activities, which he continued for two

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decades in the spirit of unbending loyalty to Hitler and to the principles of National Socialism. Schirach shows his slavish loyalty to Hitler in his principal book, "The Hitler Youth," published in 1934:

"We were not yet able to account for our conception in detail, we simply believed. And when Hitler's book, *Mein Kampf*, was published it was our bible which we almost learned by heart in order to answer the questions of the doubters and superior critics. Almost everyone today who is leading youth in a responsible position joined us in those years."

* * * * *

"In my apartment on *Koenigin Strasse*, I was lucky enough to be able to express my apprehensions about Strasser to the Fuehrer, otherwise I never discussed these things with anybody with the exception of Julius Streicher." (1458-PS).

C. SCHIRACH WAS THE LEADING NAZI CONSPIRATOR IN DESTROYING INDEPENDENT YOUTH ORGANIZATIONS AND IN BUILDING THE NAZI YOUTH MOVEMENT.

(Reference is made at this point to section 8 of Chapter VII on "Reshaping of Education and Training of Youth". See also 3054-PS.)

It was Schirach's task to perpetuate the Nazi regime through generations by poisoning the mind of youth, and thereby the mind of the German people, and to prepare the German nation for aggressive wars.

The basic law concerning the Hitler Youth, which under Schirach's tutelage became an instrument of the Nazi State, declares:

"The future of the German Nation depends on its youth, and the German youth shall have to be prepared for its future duties. * * *

"All German youth in the Reich is organized within the Hitler Youth.

"The German youth besides being reared within the family and school, shall be educated physically, intellectually, and morally in the spirit of National Socialism to serve the people and the community, through the Hitler Youth.

"The task of educating the German Youth through the Hitler Youth is being entrusted to the Reich Leader of German Youth in the NSDAP. * * *" (1392-PS).

For the five years preceding the promulgation of this law Schirach

had been leader of the Hitler Youth and Reich Youth Leader of the NSDAP. He continued in these positions until the Nazis launched their aggressive wars. As late as 4 December 1945, Schirach declared his own feeling of responsibility for Nazi policies concerning youth:

"I feel myself responsible for the policy of the youth movement in the Party and later within the Reich." (3302-PS).

(1) *Schirach actively promoted the NSDAP and its affiliated youth organizations before the Nazis seized power.* In 1929 Hitler appointed Schirach leader of the National Socialist German Students League and in 1931 leader of the Hitler Jugend. After 1931, Schirach devoted his full time to Party work (3302-PS). Before 1933, Schirach moved throughout Germany, leading demonstrations and summoning German youth to the Hitler Youth. When this organization and the wearing of its uniform were forbidden by law, Schirach continued by illegal means. Of this period he writes:

"Whoever came to us during this illegal time, boy or girl, risked everything. * * * With pistols in our belts we drove through the Ruhr district while stones came flying after us." (1458-PS)

Schirach admits that Rosenberg and he were not successful before 1933 in efforts to reach "an understanding" with other youth organizations. Schirach states that he thereupon arrived at a conclusion which later was to spell the doom of independent youth groups:

"I realized at that time that an understanding with the leaders of the League would never be possible and devoted myself to the principle of the totality [*Totalitaet*] of the Hitler Youth which in the year 1933 cost all those leagues their independent existence." (1458-PS).

(2) *Schirach, on behalf of the Nazi conspirators, destroyed all independent youth organizations or caused them to be absorbed within the Hitler Youth (Hitler Jugend).* After the Nazi conspirators seized political control of Germany, Schirach was aggressive in bringing the entire German youth within the Nazi orbit of control and domination. Referring to the period immediately following 30 January 1933, Schirach declared:

"Now the problem was to apply the victory of the movement to the entire youth. Our cabinet ministers were overburdened with their new tasks and were working day and night. We could not wait until they could find time to solve the youth question by their own initiative. Therefore, we had

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to act ourselves. My co-workers met in my Munich apartment and advised me to occupy the Reichs Committee [*Reichsausschuss*] of the German Youth Leagues [*Jugendverbaende*]. I commissioned General [*Obergebietsfuehrer*] Nabersberg with 50 members of the Berlin HJ to make a surprise raid on the Reich Committee in the Alsenstrasse early the next morning. This was done and at noon the press had the report that the HJ [Hitler Youth] had taken over the leadership of the Reich Committee." (1458-PS).

By a second surprise raid, Schirach took over the Youth Hostels. Of this Schirach writes in the same book:

"In the meantime I gained control over the Reich League for German Youth Hostels [*Reichsverband fuer deutsche Jugendherbergen*] in a similar manner to the one employed with the Reich Committee." (1458-PS)

By using the records of the seized Reich Committee, Schirach states that he obtained knowledge of the strength and influential personalities of all the German youth groups.

"From this point I recognized the necessity of coming to grips with the Greater German Union [*Grossdeutscher Bund*]." (1458-PS)

In June 1933, Schirach was appointed Youth Leader of the German Reich (*Jugendfuehrer des Deutschen Reiches*) in a solemn ceremony before Hitler. Concerning the period immediately following, Schirach writes in the same book:

"The first thing I did was to dissolve the Greater German Union [*Grossdeutscher Bund*]. Since I headed all German youth organizations and I had the right to decide on their leadership, I did not hesitate for a moment to take this step, which was for the Hitler Youth the elimination of an unbearable state of affairs." (1458-PS)

The dissolution of this and other youth organizations was accomplished by orders issued by Schirach as Youth Leader of the German Reich. (2229-PS)

In this position Schirach also appointed deputies to the various German states (*Landesbeauftragte*) "to carry out my instructions, and I appointed district leaders [*Gebietsfuehrer*] to these positions in all of the states in execution of my right" (1458-PS). In this book Schirach also admits directing the further assimilation or destruction of other youth organizations:

"The Marxist youth as well as all political youth organizations I prohibited after the occupation of the Reich Committee. The one million members of the HJ which we had on 30 January 1933 had grown to a round 3,000,000. Only

the two large professional groups, the Protestant and Catholic youth, were opposed to us." (1458-PS)

Schirach proceeded to hold discussions with the Hitler-appointed Reich Bishop Ludwig Mueller,

"And in December 1933, the Reich Bishop and myself were able to inform the Fuehrer that incorporation of the Protestant youth into the HJ had become a reality." (1458-PS)

When this book was written, Schirach had not yet accomplished the complete coordination of Catholic youth into the Hitler Youth, though he argued that:

"No reasonable man in Germany can give a reason for the necessity of the existence of Catholic youth organizations in their present form." (1458-PS)

Schirach's objective of forcing all German youth into the Hitler Youth was finally accomplished by a decree in December 1936. (1392-PS)

(3) *Schirach was mainly responsible for the indoctrination and training of German youth outside home and school.* The law making compulsory the organization of all German Youth within the Hitler Youth declared that:

"The task of educating the German Youth through the Hitler Youth is being entrusted to the Reich Youth Leader in the NSDAP." (1392-PS)

To make Schirach's sole competence even clearer, the first executive order concerning the basic youth law stated:

"The youth leader of the German Reich is solely competent for all missions of the physical, ideological, and moral education of the entire German youth outside of the house of the parents and the school." (1462-PS)

(4) *Schirach was the principal Nazi conspirator in applying the Leadership principle to German youth.* As a Reich Leader (*Reichsleiter*) in the NSDAP, Schirach was responsible only to Hitler or his deputy (*Stellvertreter*), Hess. In youth affairs he was at the top of the Nazi leadership pyramid, and under him German youth was directed by and completely subjected to the Leadership Principle. The Leadership Principle, one of the principal control-techniques of the Nazis was explained and glorified by Schirach as it applied to German youth:

"A single will leads the HJ. The power of authority of the HJ leaders, that of the smallest as well as of the largest unit, is absolute, i. e., he has the unlimited right to give orders because he bears the unlimited responsibility. He

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knows that the responsibility of the higher one comes before that of the lower ones. Therefore, he submits silently to the instructions of his leaders even if they are directed against him personally. To him as well as to all young Germany the history of the HJ is proof of the fact that a youth community also can only be successful if it unconditionally recognizes the authority of leadership. The success of National Socialism is a success of discipline. The structure of National Socialist Youth is built on the foundation of discipline and obedience. The teachings of the time of persecution apply even more to the period of victory and power." (1458-PS)

(5) *Schirach indoctrinated youth with the Nazi ideology.* Schirach states that:

"It was my task to educate the youth in the aims, ideology and directives of the NSDAP, and beyond this to direct and to shape them." (3302-PS)

For this purpose the Hitler Youth had an elaborate propaganda apparatus which published numerous periodicals, ranging from a daily press service to monthly magazines. Through liaison agents the Hitler Youth Propaganda Office had permanent contact with Dr. Goebbels' Propaganda Office of the NSDAP and with the Ministry of People's Enlightenment and Propaganda. (3349-PS).

Schirach, together with Dr. Robert Ley, established the Adolf Hitler Schools in January 1937. These schools, according to the joint statement of Reich Leaders (*Reichsleiter*) Schirach and Ley, were open to outstanding and proven members of the Youth Folk (*Jungvolk*), the junior section of the Hitler Youth organization. The Adolf Hitler Schools were destined to train youth free of charge for responsible positions in National Socialist Germany. These schools were units of and under the jurisdiction of the Hitler Youth. Schirach shared with Reich Organization Leader (*Reichsorganisationsleiter*) Ley the general supervision of the contents of the teaching, the curriculum, and the staff of the Adolf Hitler Schools (2653-PS). Schirach encouraged a close relation between members of the Hitler Youth and the German League for Germanism abroad (*Verein fuer das Deutschum im Ausland*, or "VDA"). An agreement between Schirach and the leaders of the VDA in 1933 states:

"(1) With a complete respect for the important racial-political task the Hitler Youth recommends to its members membership in collaboration with the VDA."

* * * * *

"(3) The school groups of the VDA (racial-German work cells) assist the Hitler Youth in their work." (L-360-H) Schirach thus subscribed to the "racial-political task" of the NSDAP and extended his jurisdiction even beyond the border of the German Reich. His encouragement and approval of anti-Jewish terror by youth is discussed below.

(6) *Through the Hitler Youth, Schirach assisted the Nazi conspirators in developing leaders and members of the NSDAP and its affiliated organizations, including the SA and the SS.* Sometime before the launching of aggressive wars, the Hitler Youth had become the principal source of zealous members for the NSDAP and its affiliated organizations. Orders of the Party Chancellery concerned with "successor problems" of the Party emphasize constant attention to Hitler Youth members as future Nazi leaders, thus attempting the perpetuation of the Nazi regime and Nazi ideology for the immediate future and even into future generations. Only Hitler Youth members who distinguished themselves were to be admitted to the Party. Nazi leaders were instructed to use "properly qualified full-time Hitler Youth leaders * * * for the continuation of their political work in the Party service," so that a necessary succession of full-time leaders in the Leader Corps (*Fuehrerkorps*) of the Party would be secured. (3348-PS)

The Party manual also discusses the Hitler Youth as a recruitment agency for future Nazi leaders and members of affiliated organizations of the NSDAP:

"To secure for the Party valuable and trained recruits for leadership, suitable Hitler Jugend boys of over 17 can be assigned for education and training to leaders from local unit leaders on upwards."

* * * * *

"Besides the above-mentioned conditions for selections in general, a process of elimination results from the fact that from youth on the German is cared for, guided, and educated by the Party. First they are assembled in the Young Folk [*Jungvolk*] from which the young people are transferred into the HJ. The boy of the HJ enters the SA, the SS, the NSKK or the NSFK or participates in the work of the affiliated organizations of the Party. After labor and army service, he returns for service to the Party and its affiliates, respectively." (2401-PS)

Special arrangements existed between Himmler's SS and Schirach's Hitler Youth concerning the recruiting of members of

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the Hitler Jugend for later service in the SS. Within the Hitler Youth was a special group called the *Streifendienst* (Patrol Service). Concerning this special group, an official handbook on youth laws states:

"Organization of the *Streifendienst*.

"1. Since the *Streifendienst* in the HJ has to perform tasks similar to those of the SS for the whole movement, it is organized as a special unit for the purpose of securing recruits for the general SS; however, as much as possible, recruits for the SS special troops, for the SS Death Head Troops, and for the officer candidate schools should also be taken from these formations."

* * * * *

"4a. The selection of *Streifendienst* members is made according to the principles of racial selection of the *Schutzstaffel* [SS]; the competent officials of the SS, primarily unit leaders, race authorities, and SS physicians, will be consulted for the admission test."

* * * * *

"5 To insure from the beginning a good understanding between Reich youth leadership and Reich SS leadership, a liaison office will be ordered from the Reich youth leadership to the SS main office starting 1 October 1938. The appointment of other leaders to the SS sections is a subject for a future agreement.

"6 After the organization is completed, the SS takes its replacement primarily from these *Streifendienst* members. Admission of youths of German blood who are not members of the HJ is then possible only after information and advice of the competent Bann leader." (2396-PS)

Shortly afterwards, on 17 December 1938, Schirach and Himmler entered into and signed another agreement for recruiting SS members from the ranks of the Hitler Youth:

"To secure full success for the common effort of the SS and the Hitler Youth by strict cooperation, to stem the flight from the land, to build a new peasant class, to bring the best part of the people into contact with the earth of the homeland, the following arrangement has been made in connection with the agreement of 26 August 1938.

"1. The farm service of the Hitler Youth is according to education and aim, particularly well suited as a recruiting organization for the *Schutzstaffel* (general SS and the armed sections of the SS; SS special troops and SS death head battalions).

"2. Boys who suit the special demands of the SS according to physical conditions and moral attitude are preferably admitted into the farm service of the Hitler Youth."

* * * * *

"5. All farm service members who pass the general admission test of the SS will be taken over into the general SS after leaving the farm service." (2567-PS)

Thus, by the end of 1938, the Hitler Youth had become the main source for future SS members. (For the criminal activities of the SS formations for which Hitler Youth members were recruited, see Section 5 of Chapter XV of the *Schutzstaffeln* (SS).)

(7) *Schirach actively engaged in militarizing the Hitler Youth.* In June 1933, under an agreement between Hitler and Franz Seldte, which was negotiated in the presence of the Reich Minister of War, the "Steel Helmet League of Front Line Soldiers" (*Stahlhelm, Bund der Frontsoldaten*) was incorporated into the Nazi movement. The *Scharnhorst*, the youth organization of the *Stahlhelm*, was integrated into the Hitler Youth. (2260-PS)

The Hitler Youth was generally set up along military lines with uniforms, ranks, and titles. It contained divisions called Naval Hitler Youth, Motorized Hitler Youth, Hitler Youth Flyers, and Signal Hitler Youth. According to an official document published by the Reich Youth Leadership under Schirach, the object of these divisions within the Hitler Youth was to prepare boys, respectively, for the German merchant marine and Navy, the National Socialist Motorized Corps (NSKK), for civil and military aviation, and for service with signal troops. (2654-PS)

On or about 11 August 1939, just before the invasion of Poland, an agreement was entered into between Schirach and Wilhelm Keitel, then Chief of the High Command of the *Wehrmacht*, which was declared by *Das Archiv* to represent "the result of close cooperation" between these two conspirators. The agreement itself stated:

"While it is exclusively the task of the Hitler Youth to attend to the training of their units in this direction, it is suitable in the sense of a uniform training corresponding to the demands of the *Wehrmacht* to support the leadership of the Hitler Youth for their responsible task as trainers and educators in all fields of training for defense by special courses * * * A great number of courses are in progress." (2398-PS)

The agreement stated that it "gives the possibility of roughly redoubling" the same 30,000 leaders in the Hitler Youth schools

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for directing shooting practice and field training. Under the agreement, specific arrangements were made for messing and billeting the Hitler Youth leaders at *Wehrmacht* installations. Former Hitler Youth leaders in the *Wehrmacht*, who were specially selected volunteers, were to be assigned as liaison officers and deputies for carrying out this military training. (2398-PS)

Hitler, in a speech in February 1938, represented that thousands of German boys had received specialized training in naval, aviation, and motorized groups within the Hitler Youth, and that over 1 million Hitler Youth members had received instructions in rifle shooting from 7,000 instructors. (2454-PS)

D. SCHIRACH PROMOTED THE ACCESSION TO POWER OF THE NAZI CONSPIRATORS.

This allegation of the Indictment is born out by Schirach's activities in converting students to National Socialism and by his Leadership of the Hitler Youth before the Nazis' seizure of political power. These activities are described above.

E. SCHIRACH PROMOTED THE CONSOLIDATION OF POWER OF THE NAZI CONSPIRATORS.

Schirach's acts in accomplishing the Nazis' complete control over German youth are described above. These acts were of notable assistance to the Nazi conspirators in acquiring complete control of Germany during the pre-war years. Schirach's own words in 1938 leave no doubt as to his own feeling of personal responsibility in this connection:

"The struggle for the unification of the German youth is finished. I considered it as my duty to conduct it in a hard and uncompromising manner. Many might not have realized why we went through so much trouble for the sake of the youth. And yet: The National Socialist German Workers' Party, whose trustee I felt I always was and always will be, this Party considered the struggle for the youth as the decisive element for the future of the German nation."

* * * * *

"And I promise the German public that the youth of the German Reich, the youth of Adolf Hitler, will accomplish its duty in the spirit of the man to whom alone their lives belong." (2306-PS)

F. SCHIRACH PROMOTED THE PSYCHOLOGICAL AND EDUCATIONAL PREPARATIONS FOR AGGRESSIVE WAR AND THE MILITARIZATION OF NAZI-DOMINATED ORGANIZATIONS.

A general outline of Schirach's acts bearing on this allegation of the Indictment appears above. By his own admission, Schirach was the principal Nazi responsible for driving the entire Nazi ideology into the minds of German youths, many of whom grew up to be fanatical Nazis like Schirach himself. From Hitler, in 1938, came boastings of the accomplishments of the Hitler Youth in military training. Through the vast propaganda network of the Reich Youth Leadership, through the Adolf Hitler Schools, through the minute regimentation of youth and its subjection to the Leadership Principle, and through the military training of German youth, Schirach fulfilled the edict of the basic law concerning the Hitler Youth:

"The future of the German nation depends on its youth, and the German youth shall have to be prepared for its future duties".

It has been demonstrated that the future duties of the youth entrusted to Schirach were participation in aggressive wars.

G. SCHIRACH'S GENERAL FUNCTIONS AND RESPONSIBILITIES AS PARTY AND GOVERNMENT LEADER IN THE REICHSGAU VIENNA.

(1) *Gau Leader (Gauleiter)*. Schirach was Gau Leader of the NSDAP for the Reichsgau Vienna from July 1940 to 1945. In common with all other Gau Leaders, Schirach was the highest representative of Hitler, the supreme Party Leader, in his Gau, and he was the bearer of sovereignty (*Hoheitstraeger*) of the Party for this regional division of the Party. As such, he possessed "sovereign political rights"; he represented the Party with his Gau; and he was "responsible for the entire political situation within" this Gau. (1893-PS)

The Party manual makes it mandatory that each Gau Leader meet at least once a month with leaders of the affiliated organizations of the NSDAP, including the SA and the SS, "for the purpose of mutual orientation", and authorizes the Gau Leader to call upon SA leaders and SS leaders as "needed for the execution of a political mission." As a Gau Leader Schirach was appointed by Hitler and was "directly subordinate" to him. He was responsible for coordinating activities of the NSDAP with various state authorities, including the police and the Gestapo. (1893-PS)

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(2) *Reich Governor (Reichsstatthalter)*. Schirach was Reich Governor of the Reichsgau Vienna from July 1940 to 1945. After the *Anschluss* the Nazi conspirators abolished the State of Austria as a sovereign state and divided Austria into seven Reich Gaus, the most important of which was the Reichsgau Vienna (*Reichsgau Wien*). Schirach, in his capacity as Reich Governor, was the lieutenant of the head of the German State, Hitler, in his Gau. As Reich Governor he was authorized to make decrees and issue orders within the limitations set by the supreme Reich authorities (*Oberste Reichsbehoerden*). He was especially under the administrative supervision of Frick, Reich Minister of Interior. The Reich Governor was also first mayor (*Erster Buergermeister*) of Vienna. (3301-PS)

Schirach was also Reich Defense Commissar of Vienna from 1940 to 1945. These government positions, along with his leadership of the Party in Vienna, made Schirach the most important representative of the Nazi conspirators in the Reichsgau Vienna. Schirach himself states that as Reich Governor his "field was the direction of the general administration" in Vienna. (3302-PS)

As the highest Party and State leader in the Reichsgau Vienna, Schirach was responsible for all the crimes of the Nazi conspirators in the Reichsgau Vienna on the ground that he either initiated, approved, executed, or abetted them. Specific examples, described below, demonstrate that in fact he was actively and personally engaged in Nazi crimes.

H. SCHIRACH PARTICIPATED IN THE CONSPIRACY TO COMMIT CRIMES AGAINST HUMANITY, PARTICULARLY ANTI-SEMITIC MEASURES.

Schirach bears responsibility for providing many, if not most, of the Death Head (*Totenkopf*) members of the SS, who, in the main, administered the concentration camps. As particularized above, the SS, by agreement between Himmler and Schirach, took "its replacement primarily" from *Streifendienst* members of the Hitler Youth and only upon special permission could a non-Hitler Youth become an SS man. Nor can Schirach escape responsibility for his assistance in implanting in youth the Nazi ideology, with its tenets of a master race, "sub-human" peoples, and world domination. For such notions were the psychological prerequisites for the instigation and toleration of the atrocities which zealous Nazis committed throughout Germany and the occupied countries.

(1) *Schirach directed and participated in the Nazi conspirators' slave labor program.*

(For a full discussion of the slave labor program see Chapter X.)

Vienna was one of the principal cities and an independent Reichsgau of Greater Germany. Schirach, as Gau Leader and Reich Governor, was delegated far-reaching responsibilities concerning the slave labor program and hence shares responsibility for crimes of slave labor. (3352-PS)

This document proves that the Gau Leaders were required to be the supreme integrating and coordinating agents of the Nazi conspirators in executing the entire manpower program. A circular of the Party Chancellery of 22 March 1942 states that Goering, upon the suggestion of Sauckel, had agreed that the Gau Leaders were to become active as Sauckel's special Plenipotentiaries (*Bevollmaechtigte*) in order that—

“By the leadership of the Party in full appreciation of the competence of the corresponding Reich authorities, the highest efficiency in the field of manpower shall be guaranteed.”

(3352-PS)

Goering gave Sauckel authority to issue orders to “the agencies of the Party, its member organizations and affiliated organizations” as well as to governmental authorities. By an order of 6 April 1942 Sauckel appointed the Gau Leaders as his “plenipotentiaries for manpower within their respective Gaus,” and charged them with the—

“* * * establishment of a harmonious cooperation of all agencies of the State, of the Party, of the Armed Forces, and of the Economy, charged with problems of manpower and thus to create agreement between the different conceptions and requirements to obtain the highest efficiency in the field of manpower.” (3352-PS).

To insure that the Gau Leaders could efficiently perform their manpower tasks, the entire staff of the Provincial Labor Offices were—

“* * * directed to be at the disposal of the Gau Leaders for information and advice and to fulfill the suggestions and demands of the Gau Leader for the purpose of improvements or manpower.” (3352-PS)

In this same order Sauckel said:

“By the above mentioned commission of the Gau Leaders of the NSDAP, I intend to lead manpower utilization to the greatest success.” (3352-PS)

Thus, Sauckel, himself an experienced Gau Leader, bears witness

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to the involvement after 1942 of the Gau Leaders, including Schirach, in the manpower utilization program of the Nazi conspirators.

Furthermore, a circular from the Party Chancellery of 4 August 1942, shows that "Bearers of Sovereignty" (*Hoheitstrager*) of the NSDAP (which included the Gau Leaders and hence Schirach) were to familiarize themselves with the execution of manpower directives on Eastern workers. One of the purposes of this directive was to prevent "inept Factory heads" from giving "too much consideration for the care of the Eastern Workers and thereby causing justified annoyance among the German workers" (3352-PS). What "consideration" was in fact meted out to Eastern Workers in the conspirators' manpower utilization program is discussed in Chapter X.

(2) *Schirach participated in the conspiracy to persecute the Churches.* The activity of Schirach in persecuting churches by dissolving religious youth organizations or by incorporating them in the Hitler Youth has been set forth above.

Official letters of Martin Bormann and Hans Lammers, in March 1941, show that church properties in Austria had been confiscated for various pretexts after Schirach had become Gau Leader and Reich Governor of the Reichsgau Vienna. Upon a visit of Hitler to Vienna, Schirach and two other officials raised with him a complaint that the confiscations should be made in favor of Gaus rather than of the Reich. Thereafter all Gauleiters were notified that the decision had been made in favor of the position Schirach had taken before Hitler, namely in favor of the Gaus. (R-146)

(3) *Schirach participated in the conspiracy to persecute the Jews.* Even before assuming his Governmental functions in the Reichsgau Vienna, Schirach was responsible for encouraging anti-Jewish terror. Before 1939, at a meeting of Heidelberg students of the National Socialist German Students Bund (NSDStB), Schirach was chief speaker. After praising the students for devoting so much of their time to the affairs of the Party,

"* * * he declared that the most important phase of German University life in the Third Reich was the program of the NSDStB. He extolled various activities of the Bund. He reminded the boys of the service they had rendered during the Jewish purge. Dramatically he pointed across the river to the old University town of Heidelberg where several burnt-out synagogues were mute witnesses of the efficiency of Heidelberg students. Those skeleton buildings would re-

main there for centuries, as inspiration for future students, as warning to enemies of the State." (2441-PS)

Immediately after becoming Gau Leader and Reich Governor of the Reichsgau Vienna, Schirach's anti-Jewish measures assumed more formidable proportions. As early as 7 November 1940, one Dr. Fischer, "by order" of the Reich Governor Schirach, stated that—

"investigations are being made at present by the Gestapo, to find out how many able-bodied Jews are still available in order to make plans for the contemplated mass projects. It is assumed that there are not many more Jews available. If some still should be available, however, the Gestapo has no scruples to use the Jews even for the removal of the destroyed synagogues. SS Colonel Huber will report personally to the '*Regierungspräsident*' in this matter." (1948-PS)

The *Regierungspräsident* was Reich Governor Schirach's personal representative "within the governmental administration" (*in der staatlichen Verwaltung*) of the Reichsgau. (3301-PS)

The above letter indicates that Schirach and his immediate subordinates not only knew of the atrocities which had been committed against the Jews by the Nazi conspirators in the Reichsgau, but also that they endorsed further forced labor of Jews and worked intimately with the Gestapo and the SS in their measures of persecution. Within six months after Schirach became Gau Leader and Reich Governor of Vienna, Dr. Hans Lammers informed Schirach that—

"the Fuehrer has decided after receipt of one of the reports made by you, that the 60,000 Jews still residing in the Reichsgau Vienna, will be deported most rapidly, that is still during the war, to the General Government because of the housing shortage prevalent in Vienna." (1950-PS)

Lammers' letter, dated 3 December 1940, informed Schirach that the Governor General of Poland, Hans Frank, and the Reichsfuehrer SS, Himmler, had been informed of the Fuehrer's decision. (1950-PS)

Schirach's guilt in this connection, by his own admission, however, runs even deeper. In a statement to the so-called European Youth League in Vienna in 1942, Schirach stated:

"Every Jew who exerts influence in Europe is a danger to European culture. If anyone reproaches me with having driven from this city, which was once the European metropolis of Jewry, tens of thousands upon tens of thousands of Jews into the ghetto of the East, I feel myself compelled to

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reply: I see in this an action contributing to European culture." (3048-PS)

(4) *Conclusion.* Schirach bears responsibility for rendering significant aid to the Nazi conspirators in each major phase of the conspiracy; winning Nazi supporters before the seizure of power; consolidating the Nazis' control of Germany after the seizure of power; preparing for aggressive wars; and conducting aggressive wars. From the beginning he held important policy-making and administrative positions. From 1931 to the Nazis' downfall, he was one of the small group of Reich Leaders (*Reichsleiter*) of the NSDAP who consorted together, directly subordinate only to Hitler himself, and who provided the innermost leaven of the Leadership Corps of the Party. For nearly a decade he was fully in charge of perpetrating the Nazi regime by poisoning the minds of the young generation. Although his principal assistance to the conspiracy was given by his commission of German youth to the conspirators' objectives, still he also conspired to wage crimes against humanity as a Party and governmental administrator of high standing after the conspiracy had reached its inevitable involvement in war of aggression.

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO BALDUR VON SCHIRACH

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6.....	I	5
	International Military Tribunal, Indictment Number 1, Section IV (H); Appendix A.....	I	29,65
	<p>—————</p> <p>Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the docu-</p>		

Document	Description	Vol.	Page
	ment was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
1392-PS	Law on the Hitler Youth, 1 December 1936. 1936 Reichsgesetzblatt, Part I, p. 993.....	III	972
*1458-PS	The Hitler Youth by Baldur von Schirach, Leipzig, 1934. (USA 667).....	IV	22
1462-PS	First Execution Order to the Law of the Hitler Youth, 25 March 1939. 1939 Reichsgesetzblatt, Part I, p. 709.....	IV	44
*1893-PS	Extracts from Organization Book of the NSDAP, 1943 edition. (USA 323).....	IV	529
*1948-PS	Letter from Governor in Vienna, 7 November 1940, evidencing RSHA instructions to recruit Jews from forced labor. (USA 680).....	IV	586
*1950-PS	Secret letter from Lammers to defendant von Schirach, 3 December 1940, concerning deportation of Jews. (USA 681).....	IV	592
*2229-PS	The Reich Youth Leader at Work, published in National Socialist Party Press Service Release, 22 June 1933, pp. 2-3. (USA 668)...	IV	870
2260-PS	Settlement of Relationship between NSDAP and Stahlhelm (Steel Helmets) published in Na-		

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*2306-PS	tional Socialist Party Press Service release, 21 June 1933.....	IV	933
*2396-PS	Revolution of Education, by Baldur von Schirach, 1938, pp. 51-52, 63. (USA 860).....	IV	997
*2398-PS	Handbook of Collected Youth Laws, Vol. I, Group 1, pp. 19a, 19b, 20. (USA 673).....	V	63
*2401-PS	Cooperation of Hitler Jugend with Wehrmacht, 11 August 1939, published in The Archive, No. 65, August 1939, pp. 601-602. (USA 677).....	V	66
*2441-PS	The Hitler Youth as recruits for future leaders, from Organization Book of NSDAP, 1938, pp. 80-81. (USA 430).....	V	69
*2454-PS	Affidavit of Gregor Ziemer, 4 October 1945, from his book "Education for Death". (USA 679).....	V	141
*2567-PS	Quotations from speeches of Hitler, published in Voelkischer Beobachter, Munich edition. (USA 676).....	V	196
*2653-PS	Decree signed by Himmler and von Schirach, concerning cooperation of HJ and SS, printed in The Young Germany, Berlin, February 1939. (USA 674).....	V	301
*2654-PS	The Way of German Youth, from The Third Reich, 5th Year, 1937, pp. 117-118. (USA 669).....	V	359
*2973-PS	Organization and Insignia of the Hitler Youth, edited by Reich Youth Headquarters of NSDAP. (USA 675).....	V	361
*3048-PS	Statement by von Schirach concerning positions held. (USA 14).. Speech by von Schirach before	V	679

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	European Youth Congress in Vienna, published in Voelkischer Beobachter, 15 September 1942. (USA 274).....	V	776
*3054-PS	"The Nazi Plan", script of a motion picture composed of captured German film. (USA 167).....	V	801
3301-PS	Law concerning construction of Administration in Austria, 14 April 1939. 1939 Reichsgesetzblatt, Part I, p. 777.....	V	1093
*3302-PS	Affidavit of von Schirach, 4 December 1945, concerning positions held. (USA 665).....	V	1096
*3348-PS	Young Replacement Problems, published in Decrees, Regulations, Announcements, Vol. I, pp. 298-9, 303. (USA 410).....	VI	79
*3349-PS	Press and propaganda Office of Hitler Youth, published in Organization Book of the NSDAP, 1936, pp. 452-453. (USA 666).....	VI	79
*3352-PS	Manpower, published in Decrees, Regulations, Announcements, Vol. II, pp. 507-513, 567. (USA 206).....	VI	81
*3459-PS	Article on Meeting of Reich Group of Young Law Guardians on 19 May 1939, from Congress of German Law, 1939. (USA 670).....	VI	159
*3464-PS	National Socialist Students League from Organization Book of NSDAP, 1936 and 1937. (USA 666).....	VI	166
*3870-PS	Affidavit of Hans Marsalek, 8 April 1946, concerning Mauthausen Concentration Camp and dying statement of Franz Ziereis, the Commandant. (USA 797).....	VI	790
*L-360-H	Agreement between the League		

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Document	Description	Vol.	Page
*R-146	for Germandom in Foreign Countries and the Hitler Youth, 6 May 1933. (USA 671).....	VII	1108
	Letter from Bormann to all Gauleiters, 20 March 1941, enclosing letter of Dr. Lammers to the Reich Minister of the Interior, 14 March 1941. (USA 678).....	VIII	250
*Chart No. 1	National Socialist German Workers' Party. (2903-PS; USA 2).....	VIII	770

17. MARTIN BORMANN

A. POSITIONS HELD BY BORMANN.

(1) *Between 1925 and 1945 Bormann held the following positions:*

- (a) Member of the Nazi Party 1925-1945.
- (b) Member of the Reichstag, November 1933-1945.
- (c) Member of the Staff of the Supreme Command of the SA, 15 November 1928 to August 1930.
- (d) Founder and head of *Hilfskasse der NSDAP*, August 1930 to July 1933.
- (e) Reichsleiter, July 1933-1945.
- (f) Chief of Staff, Office of the Fuehrer's Deputy, July 1933 to May 1941.
- (g) Head of the Party Chancery, 12 May 1941-1945.
- (h) Secretary of the Fuehrer, 12 April 1943-1945. (2981-PS)
- (i) Member of the Council of Ministers for the Defense of the Reich, 29 May 1942-1945. (2099-PS)
- (j) Political and organizational head of the Volkssturm. (3018-PS)
- (k) General in the SS. (3234-PS)

(2) *During this period Bormann also held the following position:* Member of the Reich Cabinet, 29 May 1941 to 1945. (2099-PS)

B. PROMOTION OF THE ACCESSION TO POWER OF THE NAZI CONSPIRATORS, ESTABLISHMENT OF TOTALITARIAN CONTROL OVER GERMANY, AND PREPARATION FOR WAR.

Within the conspiracy Martin Bormann had the managerial task of operating the Nazis' Party as a center of control for the benefit of the conspirators. First as the executive chief of the Nazi Party under Hess, and since 1941 himself the head of the Party, subject only to Hitler's supreme authority, Bormann was a key member of the Nazi conspiracy. The Party constituted the most powerful instrument of public control at the disposal of the conspirators. Through the Party the conspirators were able to gain and retain power in Germany. Through it they imposed their will on the German nation and obtained its support for their aggressive wars. Bormann is thus responsible for the crimes committed by the Party under the orders of the conspirators.

Bormann began his conspiratorial activities more than 20 years ago. In 1922, when only 22 years old, he joined the Organization Rossbach, one of the armed illegal groups which developed the aggressive traditions of the German Army and established a regime of terror against the small pacifist minority in Germany. While he was District Leader of the Organization for Mecklenburg, he was arrested and tried for his part in a political terror assassination. On 15 May 1924 he was found guilty by the State Tribunal for the Protection of the Republic and sentenced to one year in prison. (2981-PS; 3355-PS)

Upon his release from jail in 1925, Bormann again took up his subversive activities. First, he joined the Militarist Organization Frontbann. Then, in the same year, he became a member of the reconstituted Nazi Party, and began his rise to one of the most influential positions in the conspiracy. In 1927 he became Press Chief for the Party Gau of Thuringia. On 1 April 1928 he was made a District Leader in Thuringia, and Business Manager for the entire Gau.

From 15 November 1928 to August 1930 he was on the Staff of the Supreme Command of the SA. Thus he participated decisively in the development of these uniformed shock troops with which the conspirators terrorized and destroyed their opposition inside Germany. (See Section 4 of chapter XV on the SA.)

In August 1930 Bormann organized the Aid Fund (*Hilfskasse*) of the Nazi Party, of which he became the head. Through this Fund he collected large sums for the Party Treasury, allegedly for the purpose of aiding families of Party members who had

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been killed or imprisoned while "fighting" for the Party. (3236-PS)

On 30 January 1933 the conspirators and their Party took over the government of Germany. Shortly thereafter, in July 1933, Bormann was given the number-three post in the Party Organization, that of Chief of Staff to Rudolf Hess, then Hitler's Deputy. At the same time he was made a member of the Party Directorate (*Reichsleiter*). In November 1933, he was made a member of the Reichstag. (3236-PS)

As Hess' Chief of Staff, Bormann was responsible for channeling to him the demands of the Party in all the fields of government action. These demands were then imposed by Hess, through his participation in Cabinet meetings, on legislation, public administration, and appointments. (Chart Number 15; 1395-PS; 2001-PS; D-138; 3180-PS)

Bormann also used the Party in order to strengthen the hold of the Gestapo and the SD over the German people. On 14 February 1935 Bormann ordered all Party officers to assist the SD in its work described as "benefiting principally the Party" (3237-PS). On 3 September 1935 Bormann ordered Party agencies to hand persons who criticize the Nazi Party or institutions over to the Gestapo. (3239-PS) An order of the Party Chancery issued on 14 December 1938, demanded closest cooperation between Party agencies and Gestapo (1723-PS).

After the flight of Hess to Scotland on 10 May 1941, Bormann succeeded him as head of the Party under Hitler, with the title of Chief of the Party Chancery. In that position he took over all offices and powers formerly held by Hess, especially his membership in the Cabinet and on the Ministers' Council for the Defense of the Reich (2099-PS).

Only 8 months later, Hitler issued another Decree which extended Bormann's powers even beyond those which had been granted to Hess. By that Decree Bormann was given extensive control over the preparation of all laws and directives of the Cabinet, the Fuehrer, and the Ministers' Council for the Defense of the Reich, and over the appointment of all public officials (the latter, in Germany, included Judges and university teachers) (2100-PS). Under this legislation Bormann must be held at least jointly responsible for every law and order issued after 24 January 1942 by which the conspirators carried out their crimes.

This decisive participation of Bormann and the Party agencies under his direct control in the day-to-day administration of the German war program was buttressed by the Order of the Ministers' Council for the Defense of the Reich, dated 1 December

1942, under which all Party Gau Leaders were appointed Reich Defense Commissioners and all Gaus became Reich Defense Districts (3235-PS). Under this Order the Gau leaders, who were Party functionaries under the orders of Bormann, became the Chief Administrators of the entire civilian war effort, not only in Germany proper but also in all incorporated territories.

This development constituted the culmination of the integration of Party and State which had begun almost ten years earlier. From then on, the Party, through Bormann, became a decisive factor in the initiation and execution of all German war policies, after having been charged in the preceding years with much of the political and pre-military preparation of the German people for the aggressive wars of the Conspirators. (3242-PS)

C. DISCRIMINATION AGAINST AND PERSECUTION OF OPPOSITION.

Bormann participated actively in the execution of that part of the conspirators' program relating to the persecution and destruction of independent groups which were opposed to the aims of the Conspiracy.

(1) *Persecution of the Churches.* Bormann was among the most relentless members of the conspirators in the persecution of the churches. In a secret order of 6 June 1941 he stated bluntly the aim of the conspirators—to destroy Christianity altogether:

“National Socialist and Christian concepts are irreconcilable * * *. No human being would know anything of Christianity if it had not been drilled into him in his childhood by pastors. The so-called dear God in no wise gives knowledge of his existence to young people in advance, but in an astonishing manner in spite of his omnipotence leaves this to the efforts of the pastors. If, therefore, in the future our youth learns nothing more of this Christianity whose doctrines are far below ours, Christianity will disappear by itself.” (D-75; see also 098-PS)

In pursuance of this aim, Bormann's first efforts in the conspiracy's fight against religion were directed toward the elimination of churchmen and church influence from the Party itself. On 3 July 1938 a Bormann order prohibited clergymen from holding Party offices (113-PS). A Bormann circular of 3 June 1939 excluded Christian Scientists from Party membership (838-PS). Bormann Decrees of 9 February 1937 and 14 July 1939 excluded clergymen and theology students from membership in the Nazi

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Party (840-PS). And a Bormann directive of 17 June 1938, prohibited all religious activities by members of the Labor Service. (107-PS)

Bormann also opposed religious instruction in the schools. A letter from Bormann's office to Rosenberg on 25 April 1941 reported success in reducing the holding of religious morning services in schools and proposed the substitution of National Socialist school services. (070-PS)

In order further to weaken the churches, Bormann enforced the elimination of numerous Catholic and Protestant Divinity Schools in Germany and Austria. In a letter to The Minister of Education, dated 24 January 1939, Bormann denied the scientific value of theological instruction and suggested a legal basis for the suppression and restriction of Divinity Schools (116-PS). This was followed by a report of The Ministry of Education, dated 6 April 1939, concerning the suppression and consolidation of Divinity Schools (122-PS). A confidential letter from Bormann to The Minister of Education, dated 23 June 1939, in reply to memorandum of 6 April 1939 (122-PS), reported the Party's decision to order the suppression of numerous Divinity Schools (123-PS). In a letter to Rosenberg on 12 December 1939 Bormann agreed with the suggestion that the University Chairs belonging to the Divinity School in the University of Munich be used for instructors at the Nazi Academy (*Hohe Schule*). (131-PS)

Bormann also used his power and position in order to demand that other government departments deprive the churches of their property and subject them to a discriminatory legal regime. A Bormann letter to The Reich Minister of Finance in January 1940, demanded that church assessments for special war tax be greatly increased (099-PS). In a letter to Amann on 8 March 1940, Bormann demanded reduction in the paper allotment of church publications (089-PS). A Bormann letter to Rosenberg on 24 June 1940 submitted the draft of a discriminatory church law for Danzig and West Prussia (066-PS). Throughout 1940-1941 Bormann corresponded with numerous officials concerning confiscation of religious art treasures. (1600-PS)

Finally, as the war took an increasing part of Germany's youth into the Armed Forces, Bormann insisted that soldiers be removed from all religious influence. In a letter to the Army High Command in January 1939, Bormann opposed the establishment of an Army Corps of Chaplains (117-PS). A Bormann letter to Rosenberg on 17 January 1940 suggested the publication of special Nazi literature for members of the *Wehrmacht* in order to replace reli-

gious literature which the writer had as yet been unable to suppress completely (101-PS). In a letter to Rosenberg the next day (18 January 1940) Bormann stated that the publication of Nazi literature for Army recruits as a countermeasure to the circulation of religious writings was "the most essential demand of the hour." (100-PS)

When the prosecution of this anti-Church program was turned over to the RSHA under Himmler, the "Church Specialists" of that organization received clear instructions as to the aims which the Conspirators wanted them to achieve, at a meeting of the "Church Specialists" called for that purpose on 26 September 1941:

"The immediate aim: the church must not regain one inch of the ground it has lost.

"The ultimate aim: destruction of the churches to be brought about by the collection of all material obtained through *Nachrichtendienst* activities, which will, at a given time, be produced as evidence for the charge of treasonable activities during the German fight for existence." (1815-PS)

Five years earlier, Bormann had already issued an order to all Party members demanding that they turn priests who criticized the Party over to the Gestapo (3246-PS). Bormann thus bears responsibility for the mistreatment of priests in concentration camps throughout these years. (3249-PS)

(2) *Persecution of the Jews.* It was Bormann who was charged by Hitler with the transmission and implementation of the latter's instructions for the "liquidation" of the Jewish population in Germany.

After the pogrom of 8-9 November 1938, Bormann, acting on orders of Hitler, instructed Goering to proceed to the "final settlement of the Jewish question" in Germany. (1816-PS)

As a result of this conference a series of anti-Jewish decrees were issued. A Bormann order of 17 January 1939 demanded compliance with new regulations under which Jews were denied access to housing, travel, and other facilities. (069-PS; see 1409-PS)

Bormann also acted through other government agencies to wipe out the economic existence of a large part of the Jewish population. A Bormann order of 8 January 1937 communicated an order by Frick, issued at his instigation, that government employees who consult Jewish doctors, lawyers, etc., will be denied financial assistance. (3240-PS)

In addition to these purely economic measures Bormann, again

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acting on instructions from Hitler, caused Goering to issue a secret order severely restricting the living conditions of Jews in Germany. (841-PS)

After the outbreak of the war these anti-Jewish measures increased in intensity and brutality. Thus, Bormann participated in the issuance of rulings under which 60,000 Jewish inhabitants of Vienna were deported to the Government General of Poland, in cooperation with the SS and the Gestapo. (1950-PS)

After Bormann succeeded Hess as the executive head of the Party, he was one of the prime movers in the campaign of total spoliation, starvation, and extermination of the Jews living under the rule of the Conspirators. A Bormann order of 23 October 1942 announced a Ministry of Foods decree, issued at his instigation, depriving Jews of many essential food items, and of all special sickness and pregnancy rations, and ordering the confiscation of food parcels (3243-PS). On 9 October 1942 Bormann ordered that the problem of eliminating forever the millions of Jews from Greater German territory could no longer be solved by emigration but only by the application of "ruthless force" in special camps in the East (3244-PS). The Thirteenth Ordinance under The Reich Citizen Law of 1 July 1943 (RGBl, 1943, Part I, p. 372), signed by Bormann, completely excluded Jews from the ordinary courts and handed them over to the exclusive jurisdiction of Himmler's police. (1422-PS; see also 3085-PS)

D. THE CONSPIRACY TO COMMIT WAR CRIMES.

Bormann's broad powers over all political aspects of the war as a member of the Reich Cabinet and the Ministers' Council for the Defense of the Reich, and as executive head of the Party, were buttressed by the creation of the post of Secretary of the Fuehrer, to which he was appointed on 12 April 1943 (2981-PS). In that position Bormann participated in all Hitler's conferences and became involved in the planning of war crimes by his co-conspirators.

Even before April 1943, however, Bormann took part in planning the basic war policies of the conspiracy. Thus, on 16 July 1941, just three weeks after the invasion of USSR Territory, Bormann participated in a conference at Hitler's field headquarters with Goering, Rosenberg, Keitel, and Reich Minister Lammers. This conference resulted in the adoption of detailed plans for the enslavement, depopulation, and annexation of extensive territories in Russia and other countries of Eastern Europe. In his report on this conference, Bormann included numerous sug-

gestions of his own for the effective execution of these plans. (L-221)

During subsequent years, Bormann took a prominent part in the implementation of this conspiratorial program. A conference on Eastern Territories between Hitler, Rosenberg, Lammers, and Bormann on 8 May 1942, concerned *inter alia* the suppression of religious freedom, the forceable resettlement of Dutch peasants in Latvia, the extermination program in Russia, and the economic exploitation of Eastern Territories (1520-PS). Rosenberg and Bormann corresponded concerning the confiscation of property, especially art treasures, in the East (072-PS; 071-PS). A secret Bormann letter of 11 January 1944 discussed large-scale organization for the withdrawal of commodities from occupied territories for the use of the bombed-out population in Germany. (061-PS; see also 327-PS)

At the same time, Bormann issued a series of orders establishing Party jurisdiction over the treatment of prisoners of war, especially when employed as forced labor (232-PS). In the exercise of that jurisdiction, he called for excessively harsh and brutal treatment of Allied Prisoners of War. Bormann issued instructions on 5 November 1941 prohibiting decent burials with religious ceremonies for Russian Prisoners of War (D-163). A Bormann circular of 25 November 1943 demanded harsher treatment of prisoners of war and the fuller utilization of their man-power (228-PS). In a secret circular transmitting OKH instructions of 29 January 1943, Bormann provided for the enforcement of labor demands on Prisoners of War through the use of fire-arms and corporal punishment. (656-PS)

These instructions issued by Bormann culminated in the decree of September 30 1944, signed by him. This decree took jurisdiction over all prisoners of war out of the hands of the OKW, handed them over to the control of Himmler, and provided that all prisoner of war camp commanders should be under the orders of the local SS Commanders (058-PS). Through this order, Himmler was enabled to proceed with his program of extermination of Prisoners of War. Bormann also bears part of the responsibility for the organized lynching of Allied airmen. As early as March 1940 Hess had ordered all Party leaders to instruct the civilian population to "arrest or liquidate" all bailed-out allied fliers (062-PS). In order to assure the success of this scheme Bormann issued a secret circular prohibiting any police measures or criminal proceedings against civilians who had lynched British or American fliers (057-PS). For the execution of these de-

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crees, regulations were issued to cover the systematic application of Lynch Law against captured Allied airmen (735-PS). That such lynchings actually took place has since been fully established in a series of American Military Commission proceedings, which resulted in the conviction of German civilians for the murder of Allied fliers. (2559-PS; 2560-PS; 2561-PS)

E. THE CONSPIRACY TO COMMIT CRIMES AGAINST HUMANITY.

Bormann played an important role in the administration of the forced labor program. A Borman circular of 5 May 1943 contained detailed directions as to the treatment of foreign workers, stating especially that they were subject to SS control for all security matters and that differentiation between them and Germans was all-important (205-PS). At a conference held on 4 September 1942 it was decided that recruiting, mobilization, and treatment of 500,000 female domestic workers from the East would be handled exclusively by Sauckel, Himmler, and Bormann. (025-PS; see also D-226)

Bormann also imposed his views on the administration of the occupied areas and insisted on the ruthless exploitation of the subjected populations in the East. His views were stated in an official memorandum of the Ministry for the Eastern Territories, headed by Rosenberg, in which they were described as governing actual administrative practice in the East:

"The Slavs are to work for us. In so far as we don't need them, they may die. Therefore compulsory vaccination and German health services are superfluous. The fertility of the Slavs is undesirable. They may use contraceptives or practice abortion, the more the better. Education is dangerous. It is enough if they can count up to 100. At best an education which produces useful stooges for us is admissible. Every educated person is a future enemy. Religion we leave to them as a means of diversion. As for food they won't get any more than is necessary. We are the masters, we come first." (R-36)

A secret conference on 12 January 1943 discussed Bormann's order of 12 August 1942 under which all Party agencies were placed at Himmler's disposal for the latter's program of forced resettlement and denationalization of occupied populations (705-PS). Correspondence from the Office of the Fuehrer's Deputy reveals Bormann's demands that non-German populations of occupied territories be subjected to a special discriminatory legal regime

(R-139). An agreement between Thierack and Himmler was made at Bormann's suggestion, under which all Eastern populations are subjected to brutal police regime, and under which all disputes between the parties to the agreement are to be settled by Bormann. (654-PS)

In issuing these orders Bormann took a large part in the conspiracy to exterminate millions of people in the Eastern occupied areas.

F. CONCLUSION.

Martin Bormann, only 45 years old at the time of Germany's defeat, devoted his entire adult life to the Nazi conspiracy. When he joined the Nazi Party at the age of 25 he had already been active for several years in conspiratorial and terroristic organizations working secretly to prepare Germany for war, and had spent one year in jail for his participation in a political murder.

Bormann's important contribution to the conspiracy remained throughout in the sphere of the Nazi Party. First, as Chief of Staff to Hess, the Fuehrer's Deputy, then as Head of the Party Chancery, he managed the entire organization of the Party in the service of the conspiracy. He was responsible for channelling the Party's demands concerning legislation, education, civil service, and all other fields of public and private life to Hess, who was a member of the Reich Cabinet, which was then Germany's legislative, administrative, and judicial organ. Thus, Bormann advanced the Party's conspiratorial program through the control of his co-conspirators over the German government machinery. He used this power for various criminal purposes, among them the persecution of the independent churches, demanding their complete elimination from German life on the ground that Christianity and National Socialism were irreconcilable.

After having acceded in 1941 to the highest position in the Nazi Party, directly under Hitler, Bormann exercised the broadest influence in the direction of Germany's aggressive wars. Here he acted in two capacities:

(1) As executive head of the Party he commanded the Party Gauleaders who, as District Defense Commissioners, controlled all civilian and political war activities in German and the annexed territories. In that position he became responsible for the multiple war crimes committed by the German civilian population, especially the lynching of allied flying personnel, and the cruel mistreatment of forced laborers.

(2) As Secretary to the Fuehrer, Bormann took an active part

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in the policy-making conferences and discussions of Hitler and his political and military staffs. Here, Bormann became jointly responsible for the illegal annexation of Allied territories, the enslavement and spoliation of the civilian population in occupied countries, and the planned persecution and extermination of the populations in Eastern territories especially the Jews.

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO MARTIN BORMANN

Document	Description	Vol.	Page
	<p>Charter of the International Military Tribunal, Article 6.....</p> <p>International Military Tribunal, Indictment Number 1, Section IV (H); Appendix A.....</p>	<p>I</p> <p>I</p>	<p>5</p> <p>29,60</p>
	<p>Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.</p>		
*025-PS	<p>Conference report of 4 September 1942 concerning the importation of domestic workers from the East into the Reich. (USA 698).....</p>	III	67

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*057-PS	Circular letter from Bormann to Political Leaders, 30 May 1944, concerning justice exercised by people against Anglo-American murderers. (USA 329).....	III	102
*058-PS	Hitler Order of 30 September 1944 concerning reorganization of the concerns of prisoners of war. (USA 456).....	III	103
*061-PS	Secret Bormann letter, 11 January 1944, concerning large-scale organization for withdrawal of commodities from occupied territories for use of bombed-out population in Germany. (USA 692).....	III	105
*062-PS	Top secret Hess directive of 13 March 1940, concerning behavior in case of landings of enemy planes or parachutists. (USA 696).....	III	107
*066-PS	Bormann letter to Rosenberg, 24 June 1940, submitting draft for discriminatory church law for Danzig and West Prussia. (USA 689).....	III	112
*069-PS	Letter from Bormann to Rosenberg, 17 January 1939, enclosing order of 28 December 1938, concerning decisions on Jewish question. (USA 589).....	III	116
*070-PS	Letter of Deputy Fuehrer to Rosenberg, 25 April 1941, on substitution of National Socialist mottos for morning prayers in schools. (USA 349).....	III	118
*071-PS	Rosenberg letter to Bormann, 23 April 1941, replying to Bormann's letter of 19 April 1941 (Document 072-PS). (USA 371).....	III	119
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*089-PS	April 1941, concerning confiscation of property, especially of art treasures in the East. (USA 357). Letter from Bormann to Rosenberg, 8 March 1940, instructing Amann not to issue further newspaper to confessional newspapers. (USA 360).....	III	122
*098-PS	Bormann's letter to Rosenberg, 22 February 1940, urging creation of National Socialist Catechism, etc. to provide moral foundation for NS religion. (USA 350).....	III	147
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*100-PS	Bormann's letter to Rosenberg, 18 January 1940, urging preparation of National Socialist reading material to replace Christian literature for soldiers (USA 691)....	III	158
*101-PS	Letter from Hess' office signed Bormann to Rosenberg, 17 January 1940, concerning undesirability of religious literature for members of the Wehrmacht. (USA 361).	III	160
*107-PS	Circular letter signed Bormann, 17 June 1938, enclosing directions prohibiting participation of Reichsarbeitsdienst in religious celebrations. (USA 351).....	III	160
*113-PS	Secret Order issued by Hess' Office signed Bormann, 27 July 1938, making clergymen ineligible for Party offices. (USA 683).....	III	162
*116-PS	Bormann's letter to Rosenberg, enclosing copy of letter, 24 Janu-	III	164

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	ary 1939, to Minister of Education requesting restriction or elimination of theological faculties. (USA 685).....	III	165
117-PS	Bormann letter to Army High Command, 28 January 1939, opposing the establishment of an Army Corps of Chaplains.....	III	167
*122-PS	Bormann's letter to Rosenberg, 17 April 1939, enclosing copy of Minister of Education letter, 6 April 1939, on elimination of theological faculties in various universities. (USA 362).....	III	173
*123-PS	Confidential letter from Bormann to Minister of Education, 23 June 1939, in reply to memorandum of 6 April 1939 (122-PS) reporting the Party's decision to order the suppression of numerous Divinity Schools. (USA 686).....	III	175
*131-PS	Bormann letter to Rosenberg, 12 December 1939, agreeing with suggestion that the University Chairs belonging to the Divinity School in the University of Munich be used for instructors at the Nazi Academy (Hohe Schule). (USA 687).....	III	184
205-PS	Bormann Circular, 5 May 1943, containing detailed directions as to the treatment of foreign workers employed within the Reich.....	III	218
*228-PS	Bormann Circular, 25 November 1943, demanding harsher treatment of Prisoners of War and the fuller utilization of their manpower. (USA 695).....	III	225
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*327-PS	1944 establishing Party jurisdiction over the use of Prisoners of War for forced labor. (USA 693).. Letter of Rosenberg to Bormann, 17 October 1944, concerning liquidation of property in Eastern Occupied Territories. (USA 338)..	III	229
*654-PS	Thierack's notes, 18 September 1942, on discussion with Himmler concerning delivery of Jews to Himmler for extermination through work. (USA 218).....	III	257
*656-PS	Letter, undated, from Bormann to Political leaders, enclosing Order of Supreme Command of the Wehrmacht, 29 January 1943, relating to self-defense against prisoners of war. (USA 339).....	III	467
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*735-PS	Minutes of meeting, 6 June 1944, to fix the cases in which the application of Lynch Law against Allied airmen would be justified. (GB 151).....	III	511
*838-PS	Letter from Hess' office signed Bormann, 3 June 1939, referring to Hitler's Decree of 6 March 1939 which precluded Christian Scientists from joining the Party. (USA 684).....	III	533
*840-PS	Party Directive, 14 July 1939, making clergy and theology students ineligible for Party membership. (USA 355).....	III	605
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*1816-PS	Stenographic report of the meeting on The Jewish Question, under the Chairmanship of Fieldmarshal Goering, 12 November 1938. (USA 261).....	IV	425
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18. FRANZ VON PAPEN

A. POSITIONS HELD BY VON PAPEN.

(1) *Awarded the Golden Party Badge by Hitler, thereby becoming member of NSDAP (2902-PS; Das Archiv vol. 48, p. 1614).*

(2) *Member of Reichstag, 1933-1945 (2902-PS).*

(3) *Reich Chancellor, 1 June 1932 to 2 December 1932, acting pro-tem between 17 November and 2 December (2902-PS).*

(4) *Vice Chancellor, 30 January 1933 to August 1934 (?) (Papen admits holding office only to 30 June 1934; he also admits that decrees published on 1 and 2 August 1934 carry his signa-*

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ture as Vice-Chancellor, but claims this was either mistake or forgery) (2902-PS).

(5) *Special Plenipotentiary for the Saar* (13 November 1933 to 30 June 1934) (2902-PS).

(6) *Negotiator of Concordat with Vatican* (concluded 20 July 1933) (2655-PS).

(7) *German Ambassador at Vienna* (26 July 1934 to 4 February 1938), continuing thereafter to arrange Berchtesgaden meeting between Hitler and Schuschnigg and to participate in meeting itself (2902-PS).

B. AS EX-REICH CHANCELLOR AND PROMINENT POLITICAL LEADER, VON PAPEN USED HIS PERSONAL INFLUENCE TO PROMOTE THE ACCESSION OF THE NAZIS TO POWER.

(1) *When von Papen began these efforts he was well aware of the Nazi program and Nazi methods.* The official NSDAP program was open and notorious. For many years it had been published and republished in the Yearbook of the NSDAP and elsewhere. The Nazis made no secret of their intention to make it the fundamental law of the State. The first three points of this program forecast a foreign policy predicated upon the absorption of "Germanic" populations outside the boundaries of the Reich, the abrogation of Versailles treaty limitations, and the acquisition of "*Lebensraum*." Points 4 to 8 foretold the ruthless elimination of the Jews, and the 25th point demanded "unlimited authority" of the central regime over the entire Reich as a means "for the execution of all this" (1708-PS).

Hitler and the other leaders of the Party repeatedly reiterated these views before 1933. Hitler himself subsequently pointed out that there was no excuse for misinterpreting Nazi intentions:

"When I came to power in 1933, our path lay unmistakably before us. Our internal policy had been exactly defined by our fifteen-year-old struggle. Our program, repeated a thousand times, obligated us to the German people. I should be a man without honor, worthy of being stoned, had I retracted a single step of the program I then enunciated
* * *

* * * * *

"My foreign policy had identical aims. My program was to abolish the Treaty of Versailles. It is futile nonsense for the rest of the world to pretend today that I did not reveal this program until 1933 or 1935 or 1937. Instead of listen-

ing to the foolish chatter of emigres, these gentlemen would have been wiser to read what I have written thousands of times." (2541-PS)

Hitler and other Nazi leaders repeatedly made clear their willingness to use force if necessary to achieve their purposes. They glorified war. *Mein Kampf* is replete with early evidence of such intentions, which subsequently were reaffirmed from time to time in the years preceding 1933 (D-660; 2771-PS; 2512-PS).

The Nazi leaders prior to 1933 had openly declared their intentions to subvert democratic processes as a means to achieve their purposes, and to this end to harass and embarrass democratic forces at every turn. Thus Hitler himself had declared that,

"We shall become members of all constitutional bodies, and in this manner make the Party the decisive factor. Of course, when we possess all constitutional rights we shall then mould the State into the form we consider to be the right one." (2512-PS)

Frick, writing in the National Socialist Yearbook, declared:

"Our participation in the parliament does not indicate a support, but rather an undermining of the parliamentary system. It does not indicate that we renounce our anti-parliamentarian attitude, but that we are fighting the enemy with his own weapons and that we are fighting for our National Socialist goal from the parliamentary platform." (2742-PS)

The practical application of these purposes was thus subsequently described by a leading Nazi constitutional authority, Ernst Rudolf Huber:

"It was necessary above all to make formal use of the possibilities of the party-state system but to refuse real cooperation and thereby to render the parliamentary system, which is by nature dependent upon the responsibility cooperation of the opposition, incapable of action." (2633-PS).

This practical application of Nazi purposes and methods was manifest at the time von Papen was a member of the Reichstag and Vice Chancellor. By this time the Nazi members of the Reichstag were engaging in tactics of disturbance which finally culminated in physical attacks upon members of the Reichstag and upon visitors, and were using terroristic measures to assure their election (L-83).

Von Papen not only had the opportunity to observe early manifestations of Nazi violence and irresponsibility. He fully under-

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stood the true character of the Nazi menace before 1933 and publicly condemned it.

At the time of the German elections in the summer of 1932, von Papen, President Hindenburg, and certain other German leaders were hoping that the rising Nazi menace would be dissipated by providing for National Socialist participation in a rightist-centrist government. Hitler refused all overtures inviting such participation, even when suggested by President Hindenburg himself, insisting upon assuming the chancellorship without obligation to other parties. Hitler's refusal at this time to collaborate with Hindenburg and Papen marked the beginning of a series of public declarations in which von Papen revealed a clear understanding of Nazi methods and objections. Thus, on the occasion of his Munster speech of 28 August 1932 von Papen declared:

"The licentiousness emanating from the appeal of the leader of the National Socialist Movement does not comply very well with his claims to governmental power."

* * * * *

"I do not concede him the right to regard the mere minority following his banner solely as the German nation, and to treat all our fellow countrymen as 'free game'."

* * * * *

"I am advocating the constitutional state, the community of the people, law and order in government. In doing so, it is I, and not he, who is carrying on the struggle against the domination of parties, against arbitrariness and injustice, a struggle which millions of his supporters had been wholeheartedly longing for years to fight."

* * * * *

"I am firmly determined to stamp out the smouldering flame of civil war, to put an end to political unrest and political violence, which today is still such a great obstacle to the positive work representing the sole task of the State."
(3314-PS)

Writing in the September 1932 issue of the periodical "*Volk und Reich*," von Papen declared:

"The present situation clearly shows that party domination and State leadership are concepts incompatible with one another. It is conceivable theoretically that a party might gain the majority in parliament and claims the government (State leadership) for itself. The NSDAP has proclaimed this theoretical possibility as its practical goal and has come very close to attaining it. It is to be hoped that the leaders

of this movement will place the nation above the party and will thus lend a visible expression to the faith of millions looking for a way out of the spiritual and material distress of the nation provided also by the leadership of the State."

* * * * *

"* * * The hope in the hearts of millions of national socialists can be fulfilled only by an authoritarian government. The problem of forming a cabinet on the basis of a parliamentary coalition has again been brought into the field of public political discussion. If such negotiations, in the face of growing distress, are conducted with the motif of destroying the political opponent by the failure of his governmental activity, this is a dangerous game against which one cannot warn enough. In the last analysis such plans can mean nothing else but a tactics which counts on the possibility that matters get worse for the people and that the faith of millions will turn into the bitterest disappointment, if these tactics only result in the destruction of the political adversary. It is within the nature of such party-tactical maneuvers that they are veiled and will be disclaimed in public. That, however, cannot prevent me from warning publicly against such plans, about which it may be undecided who is the betrayer and who the betrayed one; plans, though, which will certainly cheat the German people out of their hope for improvement of their situation. Nothing can prove more urgently the necessity for an authoritarian government than such a prospect of maneuvers of a tactical game by the parties." (Papen article quoted in "Frankfurter Zeitung", 2 Sept. 1932, p. 2).

In his Munich speech on 13 October 1932 von Papen was especially clear:

"The essence of conservative ideology is its being anchored in the divine order of things. That too is its fundamental difference compared with the doctrine advocated by the NSDAP. The principle of 'exclusiveness' of a political 'everything or nothing' which the latter adheres to, its mythical Messiah-belief in the bombastic Fuehrer who alone is destined to direct fate, gives it the character of a political sect. And therein I see the unbridgeable cleavage between a conservative policy born of faith and a national-socialist creed as a matter of politics. It seems to me that today names and individuals are unimportant when Germany's final fate is at stake. What the nation demands is this: it expects of a movement which has written upon its banner the internal

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and external national freedom that it will act, at all times and under all circumstances, as if it were the spiritual, social and political conscience of the nation. If it does not act that way; if this movement follows merely tactical points of view, democratic-parliamentarian points of view, if it engages in the soliciting of mass support using demagogic agitation and means of proletarian class struggle—then it is not a movement any more, it has become a political party.

“And, indeed, the Reich was almost destroyed by the political parties. One simply cannot, on one side, despise mercilessly masses and majorities, as Herr Hitler is doing, and on the other hand surrender to parliamentarian democracy; surrender to the extent of adopting resolutions against one’s own government together with Bolsheviks.”

* * * * *

“In the interest of the entire nation we decline the claim to power by parties which want to own their followers body and soul, and which want to put themselves, as a party or a movement, over and above the whole nation.” (3317-PS)

In a series of interviews and speeches in the fall of 1932 von Papen castigated the Nazi party for its ambitions to achieve a total and centralized control of Germany. He contrasted its objectives and methods to his own “conservatism” and emphasized its incompatibility with the preservation of the “federalistic” type of government to which he was committed. His public pronouncements in this connection were clearly reflected in the contemporary press:

“Von Papen claimed that it had been his aim from the very beginning of his tenure in office to build a new Reich for and with the various states [*Laender*]. The Reich government is taking a definite federalist attitude. Its slogan is not a dreary centralism or unitarianism.”

* * * * *

“Wherever one did hear von Papen express himself in public, one did hear a chancellor who took special care to be regarded as an unconditional federalist.” (3318-PS)

The Vice Chancellor’s campaign against the Nazis culminated finally in a radio speech to the German public on 4 November 1932, in which he severely criticized Nazi political methods. He damned the Nazis’ “pure party egoism” which resulted in methods described by him as “sabotage” and as “a crime against the nation.” He accused the Nazis of wanting complete and permanent power in Germany (*Deutsche Reichsgeschichte in Dokumenten IV*, p. 523 (Rundfunkrede des Reichkanzlers von Papen)).

Nor was von Papen content merely to make speeches against the Nazis. As late as November 1932, Papen was prepared to use all the forces at the command of the state in a supreme effort to suppress the rising Nazi menace. He was deterred from this purpose only by a failure to secure the support of his cabinet. The inner struggles of the German cabinet at this time are recounted by Otto Meissner (in a statement made at Nurnberg, 28 November 1945), Chief of the Chancery of Reichspresident Hindenburg.

"Papen's reappointment as Chancellor by President Hindenburg would have been probable if he had been prepared to take up an open fight against the National Socialists, which would have involved the threat or use of force. Almost up to the time of his resignation, Papen and some of the other ministers agreed on the necessity for pressing the fight against the Nazis by employing all the resources of the State and relying on Article 48 of the Constitution, even if this might lead to armed conflict. Other ministers, however, believed that such a course would lead to civil war.

"The decision was provided by Schleicher, who in earlier times had recommended energetic action against the National Socialists—even if this meant the use of police and army. Now, in the decisive cabinet meeting, he abandoned this idea and declared himself for an understanding with Hitler.

"The gist of Schleicher's report—which was given partly by himself, partly by Major Ott, who adduced detailed statistical material—was that the weakened Reichswehr, which was dispersed over the whole Reich, even if supported by civilian volunteer formations, would not be equal to military operations on a large scale, and was not suited and trained for civil war. The police, in particular the Prussian police, had been undermined by propaganda and could not be considered as absolutely reliable. If the Nazis began an armed revolt, one must anticipate a revolt of the Communists and a general strike at the same time. The forces of these two adversaries were very strong. If such a 'war against two fronts' should take place, the forces of the State would undoubtedly be disrupted. The outcome of a civil war would be at the least most uncertain.

"In his, Schleicher's view, it was impossible to take the risks implied in such a policy. In case of failure, which he believed likely, the consequences for Germany would be terrible. All present in the cabinet meeting were deeply impressed by

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Schleicher's statement, and even those who had been in favor of energetic action against the National Socialists now changed their mind, so that Papen was isolated and felt himself to be isolated.

"In the interview which Papen had with Hindenburg after this meeting, on November 17th 1932 Papen did not conceal his deep disappointment over Schleicher's altered position. Although Hindenburg asked him to make a new attempt to form a government, Papen stood on his decision to resign and Hindenburg gave in."

(2) *Despite his appreciation of the Nazi menace, von Papen rigorously proceeded to conduct negotiations which resulted in placing Hitler and the Nazi regime in power.* Following his resignation as Chancellor on 17 November 1932 von Papen continued as Chancellor pro-tem until 2 December 1932, when General Schleicher was appointed to replace him (2902-PS).

Almost as soon as he vacated the Chancery, von Papen began plotting to unseat his arch-rival Schleicher. On about 10 December 1932—less than a month after he was willing to use force to suppress the Nazis—von Papen requested Kurt von Schroeder, the Cologne banker, to arrange a meeting between Hitler and von Papen (according to the statement of Schroeder, made at Nurnberg, 5 December 1945). Schroeder was one of a group of rightist industrial and financial leaders who had previously been organized by Hitler's man, Wilhelm Keppler, to provide means of bolstering Nazi economic power.

Hitler himself at this time understood von Papen. He knew that Papen's ideas were not too different from his own to preclude agreement. He knew that Papen's personal rivalry with Schleicher would make Papen amenable to some agreement whereby Schleicher might be unhorsed and Papen restored to a position of public prominence. He accordingly asked Keppler to arrange for a meeting with Papen (reported in an affidavit of Wilhelm Keppler, executed at Nurnberg, 26 November 1945).

The result of these maneuvers was the now-famous meeting between Hitler and Papen at banker Schroeder's Cologne home in January 1933. It was at this meeting that Hitler and Papen reached an understanding, subject only to the ironing out of minor details. It was at this meeting that Papen completely committed himself to go along with Nazi policy.

The events of this day have been described by Kurt von Schroeder (in a statement referred to above):

"On January 4, 1933, Hitler, von Papen, Hess, Himmler and

Keppler came to my house in Cologne. Hitler, von Papen and I went to my den where we were closeted in a discussion lasting about two hours. Hess, Himmler and Keppler did not participate in this discussion but were in the next room. Keppler, who had helped arrange this meeting, came from Berlin; von Papen came alone from his home in the Saar; and Hitler brought Hess and Himmler with him, as they were traveling with him to Lippe in connection with the election campaign. The discussion was only between Hitler and Papen; I personally had nothing to say in the discussion. The meeting started about 11:30 A. M. and the first question was raised by Hitler as to why it was necessary to punish the two Nazis who had killed the Communist in Silesia. Von Papen explained to Hitler that it had been necessary to punish these two Nazis, although they had not been put to death, because the law was on the books and all political offenders under the law must have some punishment. He further explained to Hitler that it might be possible to get a pardon from President Hindenburg to give serious consideration to making Hitler the Chancellor at the time that Hindenburg met with Hitler and von Papen and that he had understood that Hindenburg was perfectly willing to discuss this matter with Hitler at that time. He said that it came as a great surprise and shock to him when Hindenburg was unwilling to do so and he felt that someone, probably von Schleicher, was responsible for the change in Hindenburg's point of view. Next, von Papen told Hitler that it seemed to him the best thing to have the conservatives and nationalists who had supported him join with the Nazis to form a government. He proposed that this new government should, if possible, be headed by Hitler and von Papen on the same level. Then Hitler made a long speech in which he said if he were made Chancellor, it would be necessary for him to be head of the government but that supporters of Papen could go into his (Hitler's) government as ministers when they were willing to go along with him in his policy of changing many things. These changes he outlined at this time included elimination of Social Democrats, Communists and Jews from leading positions in Germany and the restoration of order in public life. Von Papen and Hitler reached an agreement in principle so that many of the points which had brought them in conflict could be eliminated and they could find a way to get together. They agreed that further details would have to be

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worked out and that this could be done in Berlin or some other convenient place.

"I understand they met later with von Ribbentrop and worked out further details.

"The meeting broke up about 1:30 and the three of us joined Hess, Himmler and Keppler at lunch, during which there was general conversation which lasted until about four o'clock when they, all the guests, departed."

Having reached an understanding with Hitler, von Papen directed his energy toward convincing President Hindenburg to allow Hitler to form a new government. In this task he had to overcome Hindenburg's fears that this appointment would lead to domestic oppressions and risk of war (according to a statement of Otto Meissner, Nurnberg, 28 November 1945).

Von Papen himself subsequently admitted the important role he played in bringing Hitler to power. At Berchtesgaden on 12 February 1938, immediately after Hitler had forced Schuschnigg to sign the document which led to the Austrian Anschluss, Hitler turned to Papen and remarked:

"Herr von Papen, through your assistance I was appointed Chancellor of Germany and thus the Reich was saved from the abyss of communism. I will never forget that."

Papen replied:

"Ja, wohl, Mein Fuehrer." (2995-PS)

C. AS VICE-CHANCELLOR, VON PAPEN USED HIS POSITION AND PERSONAL INFLUENCE TO FACILITATE THE CONSOLIDATION OF NAZI CONTROL OVER GERMANY.

(1) *In the first critical year and a half of Nazi consolidation of control over Germany, von Papen was second only to Hitler in the Cabinet which established the legal basis for furtherance of the Nazi program. As Vice-Chancellor, van Papen was the only member of the government empowered to act for the Fuehrer in his absence.*

(2) *Von Papen actively participated in the general abolition of civil liberties by promoting legislation which paved the way for the Nazi police state. At the first meeting of Hitler's Cabinet, there was intensive discussion concerning the possibility of securing passage of an Enabling Law which in practical effect would liquidate the Reichstag and make the Nazi Cabinet the supreme law-making power of the Reich. The conspirators, including von Papen, at this meeting clearly indicated that they*

did not at the time hold sufficient power to achieve this measure by normal constitutional methods (351-PS).

Seizing the Reichstag fire as a pretext, the Cabinet forthwith arranged for the suspension of those fundamental civil liberties (including freedom of speech, press, assembly and association) which would protect citizens who dared to oppose the plans of the conspirators. The suspension of civil liberties was accomplished by issuance of a Presidential decree, which presumably, according to German usage, was proposed to the Reich President by the Cabinet and countersigned by those Ministers whose departments were involved (1390-PS; 2050-PS).

This basic law was only the first of a series which placed the individual dissenter at the mercy of the Nazi state. As if to underscore explicitly the basic policy behind this legislation, von Papen personally signed the decree which implemented this legislation by creating Special Courts to enforce its provisions. This decree abolished rights, including the right of appeal, which had previously characterized the administration of justice by the German judicial system. It thus constituted also the first legislative measure for the Nazification of the German judiciary (2076-PS).

The subsequent creation of the dreaded *Volksgericht* and the wholesale Nazification of the German system of criminal law was merely the logical development of these earlier steps. This too was achieved by decree of the Cabinet in which von Papen was Vice-Chancellor (2014-PS).

(3) *Von Papen actively participated in substitution of the Nazi Cabinet for the Reichstag as Germany's supreme law-giving authority, notwithstanding his doubts as to the advisability of giving Hitler such extensive power.* Von Papen actively participated in the Cabinet deliberations concerning the proposed so-called Enabling Act, and concerning the means by which it might be made law (351-PS; 2962-PS; 2963-PS).

The enactment of this law deprived the Reichstag of its legislative functions, so that legislative as well as executive powers were concentrated in Hitler and his Cabinet (2001-PS).

Enactment of the law was made possible only by the application of Nazi pressure and terror against the potential opponents of this legislation, and by taking advantage of the Presidential decree of 28 February 1933, suspending constitutional guarantees of freedom. (See section 2 of Chapter VII on the Acquisition of Totalitarian Political Control.)

As if to indorse the methods by which this legislation was enacted, von Papen personally signed the Amnesty Decree of 21

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March 1933, liberating all persons who had committed murder between 30 January and 21 March 1933 against anti-Nazi politicians, writers, and Reichstag Deputies (2059-PS).

Von Papen participated in this program notwithstanding the fact that he foresaw at that time the implications of granting to Hitler the complete powers conferred by the Enabling Act. He has so testified (in an interrogation at Nurnberg, 3 September 1945):

"Q. After Hitler became Chancellor, when for the first time did you have any doubts about the wisdom of having allowed him to become Chancellor?

"A. Well, that's difficult to say. I mean the first doubt certainly I had when the Reichstag gave in to his request for the law, to enable him to rule the country without parliament."

(4) *Von Papen not only participated in the seizure by the cabinet of supreme power for the Nazis, but as a member of the cabinet participated in the systematic elimination of all potential enemies of the Nazi conspiracy.* The Reichstag fire and the ensuing suppression of civil liberties marked the beginning of the destruction of all rival political parties. The immediate elimination of the legally elected Communist members from the Reichstag was merely the forerunner of the rapid and complete liquidation of all political parties other than the National Socialists (2403-PS; 1396-PS; 2058-PS; 1388-PS). By these measures the suppression of all democratic opposition became complete, within one year of the time when von Papen was warning his countrymen of the dangers of authoritarianism.

Having substituted the autocracy of the Hitler cabinet for the democratic force of the Reichstag, the cabinet proceeded immediately to enact a series of laws abolishing the states and coordinating them with the Reich (2004-PS; 2005-PS; 2006-PS). The enactment of these laws, which had been clearly indicated by point 25 of the Party program, removed all possible retarding influences which the German federal States might have exerted against the overwhelming centralization of power in Hitler's Reich Cabinet.

The importance of this step, as well as the role played by Papen, is reflected in an exchange of letters between Reichs President Hindenburg, von Papen in his capacity as Reichskommissar for Prussia, and Reichs Minister Goering. The exchange occurred in connection with the recall of the Reichskommissar and the appointment of Goering to the post of Minister President of

Prussia. In tendering his resignation, on 7 April 1933, von Papen wrote to Hitler:

"With the draft of the law for the coordination of the states with the Reich, passed today by the Reich Chancellor, legislative work has begun which will be of historical significance for the political development of the German state. The step taken by the Reich Government, which I headed at the time, is now crowned by this new inter-locking of the Reich. You, Herr Reich Chancellor, will now, as once Bismarck, be able to coordinate in all points the policy of the greatest of German states with that of the Reich. Now that the new law enables you to appoint a Prussian Prime Minister I ask you to inform the Reich President that I return to his hands my post of Reichs Commissar for Prussia." (3357-PS)

In transmitting this resignation request to President Hindenburg, Hitler stated:

"Vice-Chancellor von Papen has sent a letter to me which I enclose for your information. Herr von Papen already informed me within the last few days that he agreed with Minister Goering to resign on his own volition, as soon as the unified conduct of the governmental affairs in the Reich and in Prussia would be assured by the new law on coordination of policy in the Reich and the states [*Laender*].

"On the eve of the day when the new law on the institution of Reich governors [*Reichs-Statthalter*] was adopted, Herr von Papen considered this aim as having been attained and he requested of me to undertake the appointment of the Prussian Prime Minister, when at the same time he would offer his full time services in the Reich Government.

"Herr von Papen, in accepting the commission for the Government of Prussia in these difficult times since 30 January, has rendered a very meritorious service to the realization of the idea of coordinating the policy in the Reich and the States. His collaboration in the Reich cabinet, for which he now offers all his strength, is infinitely valuable; my relationship to him is such a heartily friendly one, that I sincerely rejoice at the great help I shall thus receive.

"For profound reverence,

"A.H." (3357-PS)

The enactment of this legislation followed repeated declarations in which Papen had warned his countrymen of the dangers of the exaggerated degree of centralized authority which would result from abolition of the federal system. These warnings began before Hitler's accession to power and continued by implica-

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tion in the reassurances which Papen gave in February 1933 to Bavarian political leaders who expressed their fears of Nazi centralized authority (*Cuno Horkenbach, Das Deutsche Reich von 1918 bis Heute*. (The German Reich from 1918 until today) (Berlin 1933), p. 44). As late as 3 March 1933, in an election speech at Stuttgart, von Papen warned that:

"Federalism saves us from centralism, that organizational form which concentrically draws all the vital forces of a people to one point, as a mirror will do with the rays of the sun. No people is less suited for being governed centralistically than the German people." (3313-PS)

Less than one month after its seizure of the legislative power, the cabinet of which von Papen was a member enacted the first of a series of laws aimed at establishing firm Nazi control over the entire civil service and judiciary (2012-PS; 1400-PS; 1398-PS). Having been a public servant himself, von Papen was aware of the far-reaching effect of these first legislative and administrative steps in attaining full totalitarian control over the entire governmental machinery of Germany.

The cabinet of which von Papen was a member embarked upon a state policy of persecution of the Jews. The first organized act in this program was the boycott of Jewish enterprises on 1 April 1933, which was approved by the entire cabinet. This was followed by a series of laws beginning the systematic elimination of the Jews from public and professional life in Germany. (See Section 7 of Chapter VII on the Program for Persecution of Jews.)

All these suppressive measures were in line with long-standing basic objectives of the NSDAP to which von Papen had agreed in his January conference with Hitler and von Schroeder.

(5) *To complete its suppression of all rival influences, the Cabinet of which von Papen was a member enacted a series of decrees which strengthened the Nazi movement by conferring upon it a para-governmental status.* Followers of the Party, through a decree signed personally by von Papen, were granted amnesty "for penal acts committed in the material revolution of the German People, in its preparation of the fight for the German soil" (2059-PS). The perpetrators of Nazi terrorism were thereby placed above the law, and a pattern was established for the subsequent handling of Nazi excesses.

This cabinet enacted measures which gave legal protection to the status and symbols of the Party and its formations (1652-PS; 2759-PS).

This cabinet enacted a series of measures to assure the Nazi

movement's spiritual control over Germany (2029-PS; 2030-PS; 2415-PS; 2083-PS; 2078-PS; 2088-PS).

Having first outlawed all political parties other than the NSDAP, the cabinet of which von Papen was a member formally decreed that:

"1. After the victory of the National Socialistic Revolution, the National Socialistic German Labor Party is the bearer of the concept of the German State and is inseparably the state.

"2. It will be a part of the public law. Its organization will be determined by the Fuehrer." (1395-PS).

Having granted para-governmental status to the Nazi party, and having assured legal unity of the Party's Fuehrer and the Reich's Chancellor, the Nazis next step was to combine in the same person the Presidency of the German Reich. This was accomplished by merging the offices of President and Chancellor, by means of a decree signed by von Papen (2003-PS). An important consequence of this law was to give to Hitler the supreme command of the German armed forces, always a perquisite of the Presidency (2050-PS).

(6) *Despite disagreements as to detail, von Papen fundamentally agreed with basic Nazi objectives and publicly endorsed the regime for which he shared responsibility as Vice Chancellor.* Von Papen's basic political philosophy was not so divergent from Nazism as to preclude an easy bridging of the gap. In 1932, while still Chancellor, von Papen had been willing to head a government in which Nazism would be strongly represented. By January 1933 he found it possible—as a price for his restoration to a position of public prominence—to submerge his differences with Hitler and to direct his energies to the installation of a Nazi regime (see B above).

In addition to his participation as a cabinet member in the process of Nazifying Germany, von Papen's devotion to the Nazi cause was repeatedly demonstrated throughout this period by public statements and acts both by himself and by Hitler. Thus, as noted above in connection with his role in the elimination of the *Laender* as a political force, von Papen wrote Hitler in April 1933, that

"You, Herr Reich Chancellor, will now, as once Bismarck, be able to coordinate in all points the policy of the greatest of German states with that of the Reich,"

And Hitler on that occasion took notice of Papen's services by declaring that

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"His collaboration in the Reich cabinet, for which he now offers all his strength, is infinitely valuable; my relationship to him is such a heartily friendly one, that I sincerely rejoice at the great help I shall thus receive." (3357-PS).

And again on 2 November 1933, speaking from the same platform with Hitler and Gauleiter Terboven, in the course of the campaign for Reichstag election and the referendum on Germany's withdrawal from the League of Nations, von Papen declared:

"Ever since Providence called upon me to become the pioneer of national resurrection and the rebirth of our homeland, I have tried to support with all my strength the work of the national socialist movement and its leader; and just as I at the time of taking over the chancellorship have advocated to pave the way to power for the young fighting liberation movement, just as I on January 30 was selected by a gracious fate to put the hands of our chancellor and Fuehrer into the hand of our beloved field marshal, so do I today again feel the obligation to say to the German people and all those who have kept confidence in me:

"The kind Lord has blessed Germany by giving it in times of deep distress a leader who will lead it, through all distresses and weaknesses, through all crisis and moments of danger, with the sure instinct of the statesman into a happy future."

* * * * *

"Let us in this hour say to the Fuehrer of the new Germany that we believe in him and his work." (3375-PS).

By this time as noted above, the cabinet of which Papen was a member had abolished the civil liberties which were a condition to any effective protest against Nazism, had sanctioned political murder committed in aid of Nazism's seizure of power, had substituted itself for the Reichstag as Germany's supreme law-making authority, had destroyed all rival political parties, had enacted the basic laws for abolition of the political influence of the *Laender*, had provided the legislative basis for purging the civil service and judiciary of anti-Nazi elements, had embarked upon a state policy of persecution of the Jews, had legislated Nazi influence into the cultural life of the German nation, and had taken its first steps toward conferring a para-governmental status upon the Nazi party and its principal formations.

Even after von Papen's Marburg speech of June 1934, in which he again showed some understanding of the dangers of Nazism, he remained a pillar of Nazi policy and influence. Thus Hitler

himself, in attempting to justify the Blood Purge of 30 June 1934, tacitly admitted that Papen was still considered a loyal member of the regime:

"The allegations [of foreign newspapers] that Vice-Chancellor von Papen, Reichminister Seldte, or other gentlemen of the Reich Cabinet had entertained connections with the rebels is refuted by the fact that one of the first intentions of the rebels was to assassinate these men." (*Hitler Reichstag address*, 18 July 1934, as quoted in *Das Archiv*, Vol. IV, pp. 495, 507.)

The Fuehrer thus made a tacit bid for the continuing loyalty of von Papen. Von Papen's subsequent career demonstrated that this was not a vain expectation. He left the vice-chancellorship only to assume the new task of special emissary of the Fuehrer to Austria. But before leaving, while still Vice Chancellor, von Papen signed the decree combining the positions of President and Reichs Chancellor on 1 August 1934, and on 5 August 1934 he delivered the document—the so-called Hindenburg Testament—which purported to confer the revered president's dying blessing upon Hitler and the Nazi regime (*Notice concerning delivery of Hindenburg's testament by Vice Chancellor von Papen*, *Das Archiv*, Vol. V, page 648).

D. AS GERMANY'S MOST FAMOUS CATHOLIC LAYMAN AND AS NEGOTIATOR OF THE VATICAN CONCORDAT, VON PAPEN USED HIS POSITION AND PERSONAL INFLUENCE TO PARTICIPATE IN THE CONSOLIDATION OF NAZI CONTROL OVER GERMANY AND IN NAZI PREPARATION FOR AGGRESSION.

(1) *Immediately upon Nazi seizure of power within Germany, von Papen endeavored to weld German Catholicism into a powerful body of support for the Nazi state.* When Naziism seized control of Germany in January 1933, its relations with the church were at a low ebb. The period of the Reichstag elections of July and November 1932 was marked by certain widely circulated anti-Nazi pronouncements of the German bishops, especially in such Catholic papers as *Germania*, *Koelnische Volkszeitung*, and the *Rhein-Mainische Volkszeitung*. These bishops discerned the fundamental incompatibility between the Church and the Nazis' own declarations of State policy. They accordingly publicly stigmatized the Nazi movement as anti-Christian, forbade the Catholic clergy to participate in any ceremonies (such as funerals) in which the Nazi Party was officially represented, refused the sacraments to

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Party officials, and in several pastorals expressly warned the faithful against the danger to German Catholicism created by the Party (3389-PS).

Immediately upon seizure of power, the main concern of the new regime was to liquidate political opposition. Achievement of this objective was predicated upon the strategy of "divide and rule". A first step in this strategy was to convince conservatives that the efforts of the government were being directed primarily against the Communists and other forces of the extreme Left, and that their own interests would remain safe in Nazi hands as long as they would consent to refrain from political activity. The result was a brief but active period of rapprochement between Church and Party. Von Papen was a leader in this strategy. The minutes of the Reich cabinet meeting of 15 March 1933 contain the following notation in connection with discussions on the Enabling Act:

"The Vice Chancellor and Reich Commissar for the State of Prussia said it is of decisive importance to integrate into the new State the masses standing behind the Parties. He said that the question of coordination of political Catholicism into the new State is of special importance." (2962-PS)

Eight days later, speaking at the second meeting of the Reichstag of 1933, on 23 March 1933, Hitler asked for adoption of the Enabling Act. In this speech he declared:

"While the government is determined to carry through the political and moral purging of our public life, it is creating and insuring prerequisites for a truly religious life. The government sees in both Christian confessions the factors most important for the maintenance of our Folkdom. It will respect agreements concluded between them and the states. However, it expects that its work will meet with a similar appreciation. The government will treat all other denominations with equal objective justice. However, it can never condone that belonging to a certain denomination or to a certain race might be regarded as a license to commit or tolerate crimes. The Government will devote its care to the sincere living together of Church and State." (3387-PS).

The immediate effect of this assurance was action by the conference of German bishop, meeting in Fulda on 28 March 1933. This conference lifted restrictions imposed on members of the church adhering to the Nazi movement. In a cautious statement which placed full faith and credit in the Papen-inspired Hitler assurances, the bishops declared:

"The high shepherds of the dioceses of Germany in their du-

tiful anxiety to keep the Catholic faith pure and protect the untouchable aims and rights of the Catholic Church have adopted, for profound reasons, during the last years, an oppositional attitude toward the National Socialist movement, through prohibitions and warnings, which was to be in effect as long and as far as those reasons remained valid.

"It must now be recognized that there are official and solemn declarations issued by the highest representative of the Reich Government—who at the same time is the authoritarian leader of that movement—which acknowledge the inviolability of the teachings of Catholic faith and the unchangeable tasks and rights of the church, and which expressly assure the full value of the legal pacts concluded between the various German States and the Church.

"Without lifting the condemnation of certain religious and ethical errors implied in our previous measures, the Episcopate now believes it can entertain the confidence that those prescribed general prohibitions and warnings may not be regarded as necessary any more." (3389-PS)

This action opened the door for mass Party adherence by practicing Catholics. All those German Catholics who were inclined to adopt Nazi political views and had hesitated only because of the anti-Nazi attitude of the hierarchy hastened now to join the victorious party of the "National Revolution". This tendency was marked by a tremendous and sudden burst of activity by the so-called "bridge-builders," who rushed to close the gap between the Church and the Nazi State. Von Papen, who only a short time before had been willing to use armed force to suppress the Nazis, was foremost among these "bridge-builders", who not only claimed an ideological affinity between the Nazi system and the alleged anti-liberal character of Catholic politics, but affirmatively apologized for excesses of the State which even then had begun to shock the world.

Existing agencies were used for this purpose. Thus, the Union of Catholic Germans (*Arbeitsgemeinschaft Katholischer Deutscher*), of which von Papen was president, insisted in its program that the church, like the Nazi movement itself, was guided by the leadership principle (Cuno Horkenbach, *Das Deutsche Reich von 1918 bis Heute* (The German Reich from 1918 Until Today) (Berlin 1935), pp. 436, 504). The same organization, in the course of the election campaign which preceded adoption of the Enabling Act, had bitterly criticized the Catholic political opposition to Marxism and urged that Catholics "by all means vote unani-

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mously the National Socialist ticket", because "We Catholics do not wish to be denied to march in the lead in this election campaign" (Election Appeal, *Voelkischer Beobachter*, 23 February 1933, p. 2). Later, on the eve of the Nazis' first anti-Jewish boycott, this same organization played its part in the extensive campaign replying to foreign newspaper reports concerning atrocities committed against German Jews. On 1 April 1933 it published through the Prussian News Service, an "Appeal to all Christians", viewing "with great indignation" this "irresponsible campaign against Germany" which "continues in spite of official German declarations and corrections". This "Appeal" characterized the foreign reports as "intentional lies and falsifications" and "a reckless, crafty campaign of destruction conducted by the Jewish world alliance and moneyed powers against the right of self-determination of all peoples and against the entire Christian civilization". It called upon "the Christians of all countries, irrespective of denominations, to form a world-wide front of defense against that Jewish conspiracy disturbing the true peace" ("*Appeal to All Christians*", *Voelkischer Beobachter* (People's Observer), 30 March 1933, p. 2).

Notwithstanding the force of these activities, this Nazification by existing agencies was not deemed adequate to the task of organizing Catholic lay support. The result was the creation, in early April 1933, under the sponsorship of von Papen, of a new "Bund" of Catholic Germans called "Cross and Eagle" ("*Kreuz und Adler*") which made it its task "to contribute enthusiastic devotion to the upbuilding of the future Reich" (Gerd Ruehle, *Das Dritte Reich* (The Third Reich), p. 250).

This whole program of rapprochement between Church and Party manifests the Papen "touch"—the same quality of handiwork which had manifested itself in Hitler's accession to power and which later was to reappear in Austria: First, gentle hints by Papen as to strategy, followed within eight days by reassurances in Hitler's Reichstag speech. Next, again following merely by days, the formal lifting of the restrictions on Nazi membership by the leaders of the Church of which von Papen was the most famous lay member. Finally, again within a few days, the open campaign by which Papen-sponsored organizations endeavoured to align Church and Party. The close timing of these events was not a coincidence.

(2) *Having achieved initial successes in consolidating Catholic support within Germany, von Papen undertook international consolidation of Nazi-Church relationships by negotiation of a Con-*

cordat with the Vatican. The program of rapprochement and the public declarations bridging the gap between the Church and the Nazi movement were merely advertising media by which Nazi-minded Catholics were herded into the movement, and slogans by which the conspirators might placate the Catholic hierarchy. Throughout this period there continued an undercurrent of anti-Catholic activity. A thorough job was done in purging Reich, state, and municipal administrations of officials appointed for their adherence to the Centre or Bavarian People's parties. Former leaders of those parties, including priests, joined Communists and Social Democrats in the concentration camps, and the campaign of hatred against the "black" was resumed. By April 1933 the bishops were making appeals for clemency toward former civil servants, who, they pointed out, were not able to join the celebration of national awakening because they had been dismissed from positions in which they had given their best to the community of the German people. And on 31 May 1933, a meeting of the Bavarian bishops adopted a solemn statement directed against the tendency of attributing to the State alone the right of educating, organizing, and leading ideologically the German youth (*Dismissal of Catholics*, Excerpts from *Voelkischer Beobachter*, February-March 1933; *Excerpt, Voelkischer Beobachter*, 19 April 1933 (Munich ed.), p. 2).

By this maintenance of a certain amount of pressure against Catholic interests, the hierarchy was reminded of the dangers of not coming to a definite agreement with the Nazi State. The stage was thus set for von Papen's negotiation of a Concordat with the Vatican.

At the time of these activities, the government of which von Papen was Vice Chancellor had already launched its program to mold the state machinery into the Nazi image. The Enabling Act had become law, and the general outlines of the Nazi State were already manifest. Notwithstanding the doubts created in his mind by Hitler's insistence upon the Enabling Act, von Papen undertook negotiations with the Vatican. In fact, he since has claimed that these fears gave rise to the negotiation of the Concordat (Interrogation at Nurnberg, 3 Sept. 1945):

"I became alarmed, you remember, somewhere in June when I went to Rome to negotiate a concordat because I certainly feared that the particular powers of the Hitler Party would create difficulties on the religious side. So that with the consent of Hitler I went to Rome to make that concordat."

It is clear, however, that these alleged fears of the Enabling Act were not fears at all. They were merely an understanding

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of the threat they carried to all persons and instrumentalities antagonistic to the Nazi system. Von Papen understood the significance of these developments. What he actually feared was that the rest of the world would also understand Nazi methods and would erect barriers to the consummation of the plans of the conspirators. The situation plainly called for a neutralizing of these potential barriers to Nazi plans. One method of achieving this result at that time was the negotiation of solemn agreements whereby other powers would commit themselves to a policy of non-intervention by either armed or moral force.

When von Papen concluded the Concordat with the Vatican, the political objectives of furthering the purposes of the Nazi conspiracy were thus foremost in his mind. Even at that time, in the first half of 1933, von Papen had in mind, in concluding this Concordat, not only the consolidation of Catholicism behind the Nazi regime within Germany, but also the psychological build-up of the Austrians in preparation for Anschluss. Von Papen's own words eloquently characterize these manoeuvres (monograph entitled "Austria" written at Nurnberg, 1945):

"Although the '*Heimwehr*' movement [in Austria] had brought these patriotic elements together before this, and had fought with them to free the country from strong Socialistic pressure, yet they were armed only from the standpoint of domestic politics and remained aloof from all ambitions for a greater Germany. The cause lay mostly in the Catholic nature of the country, and in the strong influence of the clergy in political leadership. The Reich was considered a bulwark of Protestantism, despite its twenty million Catholics. The anti-clerical wave, which was dominant in the Reich under the leadership of Prussia, itself led by Socialists, appeared to have verified the fears of the Austrian clergy. For in spite of Catholics at the head of the Reich—Wirth, Marx, Bruening—the Centre Party had always put through its cultural demands by logrolling with the Socialists. There were at least two Socialist officials, university professors or teachers for every Catholic appointee. In contrast to the obviously badly functioning Weimar Constitution, there was an effort in Austria, under clerical leadership and with the strong support of the Vatican, to develop into a corporate state.

"Those were serious obstacles on both sides. When, after the seizure of power of the NSDAP in 1933, as the first remedy against a new '*Kulturkampf*', I safely concluded the

Concordat of the New Reich with the Holy See, my thoughts at the time were not focused only on the Reich. For a peaceful evolution of the German-Austrian question it was of the greatest importance that the doubts of the clergy on the Austrian side be completely eliminated."

* * * * *

"It was my first purpose in the diplomatic field to deprive the Austrian problem of its European character, and to develop it gradually into an exclusively internal problem between the Reich and Austria.

"It therefore had to be my primary aim to convince the Vatican that a union could not endanger the Vatican's interests. A Concordat of the Reich with the Vatican had been my first attempt to prevent religious difficulties arising from Nazism's revolutionary doctrine; the attempt had obviously failed. Under the growing influence of his Party, Hitler sabotaged the Concordat. Rome was deeply disappointed and in the greatest excitement."

On 20 July 1933 the Reich Concordat with the Vatican was signed by von Papen as representative of the Nazi Government of Germany. This instrument was an international treaty which purported to give the church an official guarantee of all the church rights it had sought. In addition it purported to confer freedom for Catholic organizations, maintenance of parochial schools, and preservation of the general influence of the church on the education of the German Catholic youth. Among the 33 articles of the Concordat, 21 treated exclusively the rights and prerogatives accorded to the church. Reciprocation consisted only in a pledge of loyalty by the clergy to the Reich Government and a promise that Catholic religious instruction would emphasize the patriotic duties of the Christian citizen and insist on a loyal attitude toward the Fatherland. Since it had always been the practice of the Catholic church to abide by established governments and to promote patriotic convictions among the faithful, these stipulations of the Concordat were no more than legalizations of an existing custom. They were no more than a guarantee of goodwill betokening harmonious Church-State relations (2655-PS).

(3) *The signing of the Concordat was only an interlude in the church policy of the Nazi Conspirators, which was a policy of reassurances and repression.* The signing of the Concordat merely marked the beginning of evasions and violations of both its spirit and letter. The ink was hardly dry before it became

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necessary for the Vatican to complain about a false interpretation of the text, made by the Nazi government in its own favour. (See Section 6 of Chapter VII on Suppression of the Christian Churches.)

By action taken only ten days after the signing of the Concordat, and despite its provision for the continuance of the Catholic Youth Association, simultaneous membership in the Hitler Jugend and the Catholic Youth Association was forbidden, and the campaign to smash the latter organization thereby commenced (2456-PS).

These first steps were merely a foretaste of a long series of violations which were to commence almost immediately and eventually to result in papal denunciation and serious excesses committed against the clergy (3280-PS).

The continuing character of the conspirators' church policy—and of von Papen's participation in it—is further revealed by von Papen's action of 19 September 1934, when, as president of the Union of Catholic Germans (*Arbeitsgemeinschaft Katholischer Deutscher*), he ordered dissolution of this organization. By this time the Nazis were dropping all pretext that rival organizations might be permitted to exist, and were well along in their plans for the integration of all German institutions into the Nazi system. The official published announcement of dissolution is a revealing document:

"Since the Reich Party Leadership through its department for spiritual peace increasingly and immediately administers all cultural problems and those concerning the relationship of State and Churches, the tasks at first delegated to the Union of Catholic Germans are now included in those of the Reich Party Leadership in the interest of a stronger co-ordination.

"Vice-Chancellor von Papen, up to now the Leader of the Union of Catholic Germans, declared about the Dissolution of this organization that it was done upon his suggestion, since the attitude of the national socialist State toward the Christian and Catholic Church had been explained often and unequivocally through the leader and chancellor himself." (3376-PS).

E. AS ENVOY AT VIENNA, VON PAPEN USED HIS POSITION AND INFLUENCE DELIBERATELY TO WEAKEN THE AUSTRIAN GOVERNMENT, AND PARTICIPATED IN THE POLITICAL PLANNING AND PREPARATION FOR MILITARY AGGRESSION AGAINST AUSTRIA.

(1) *Von Papen accepted appointment as envoy at Vienna knowing he would "front" for a Nazi fifth column in Austria.* In July 1934, the Austrian policy of the Nazi government of Germany was in bad odor throughout the civilized world. The historical record of this period was written in the newspaper headlines of the day. A period of Nazi pressure and terror culminated on 25 July 1934 in an attempted revolutionary putsch, the murder of the Austrian Chancellor Dollfuss, in which the German Minister, Reith, was implicated. (See Section 3 of Chapter IX on Aggression Against Austria.) The situation was such as to call for removal of the German Minister, Reith, and for the prompt substitution of a man who was an enthusiast for Anschluss with Germany, who could be tolerant of Nazi objectives and methods, but who could lend an aura of respectability to official German representation in Vienna. Hitler's reaction was immediate. He chose von Papen as quickly as he heard the news of the Dollfuss murder. Writing of this event in 1945 after his arrest by Allied authorities, von Papen dramatically describes the Fuehrer's response to the situation (monograph on "Austria" referred to above):

"Suddenly, at three o'clock in the morning, there was a loud ringing of my doorbell. SS men demanded admission. My son and I were of the opinion that I was going to be imprisoned. We went to the front door armed with pistols. Our suspicions were unfounded. The SS men declared that they had come from the Chancellery with the order to put through a telephone connection between Hitler and myself. "Hitler was in Bayreuth and had been trying for hours without success to get in touch with me. The connection was made.

"Hitler started, 'You know of course what has happened in Vienna. You must go there immediately and try to set things in order.'

"I replied, 'I have no idea what has happened in Vienna. I have just returned from the country and I don't understand what you want with me in Vienna. I am in the act of packing my trunk to leave Berlin once and for all.'

"Hitler, highly excited, gave thereupon a short description

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of the dramatic events in Vienna which led to the murder of Dollfuss, and continued, 'You are the only person who can save the situation. I implore you to carry out my request.'"

As a result of this telephone call, von Papen flew immediately to join Hitler at Bayreuth. There it was clear that the Nazi leadership feared international repercussions from their Austrian policy and felt themselves in dire need of a respectable "front" man. Von Papen has described this meeting:

"There I found Hitler and his entire entourage, excited as an ant-hill. It was difficult to get anything approaching an exact picture of the Vienna '*Putsch*' and the role of Hitler's promoters. Even if one had come into this gathering in complete ignorance of the different circumstances involved, one could have gathered with one look that they had a very bad conscience and now were fearing the consequences. From the very first moment I was certain that the immoderate policy of the Austrian NSDAP under the leadership of Hitler's condottiere, Habig, had led to this coup d'etat.

"This was, then, a few days after the 30 June, the second bloody excess of the Party which had promised to bring Germany by peaceful means to social tranquility, welfare, and respect. It was obvious that both events had made a deep impression on the entire world, and that the governmental methods of the Party must damage most seriously the political credit of the Reich".

At this meeting it was Papen himself who drafted the letter of appointment. This letter was a masterpiece of deceit, calculated to conceal completely Hitler and Papen's goal of annexation. It stated:

"As a result of the events in Vienna I am compelled to suggest to the Reichs-President the removal of the German Minister to Vienna, Dr. Reith, from his post, because he, at the suggestion of Austrian Federal Ministers and the Austrian rebels respectively consented to an agreement made by both these parties concerning the safe conduct and retreat of the rebels to Germany without making inquiry of the German Reich Government. Thus the Minister has dragged the German Reich into an internal Austrian affair without any reason.

"The assassination of the Austrian Federal Chancellor which was strictly condemned and regretted by the German Government has made the situation in Europe, already fluid, more acute, without any fault of ours. Therefore, it is my desire to bring about if possible an easing of the general

situation, and especially to direct the relations with the German Austrian State, which have been so strained for a long time, again into normal and friendly channels.

"For this reason, I request you, dear Mr. von Papen, to take over this important task, just because you have possessed and continue to possess my most complete and unlimited confidence ever since we have worked together in the Cabinet.

"Therefore, I have suggested to the Reichs-President that you, upon leaving the Reich-Cabinet and upon release from the office of Commissioner for the Saar, be called on special mission to the post of the German Minister in Vienna for a limited period of time. In this position you will be directly subordinated to me.

"Thanking once more for all that you have at a time done for the coordination of the Government of the National Revolution and since then together with us for Germany, I remain." (2799-PS).

The actual mission of von Papen was stated more frankly, shortly after his arrival in Vienna, in the course of a private conversation with the American Minister, George S. Messersmith. Mr. Messersmith has described this meeting:

"When I did call on von Papen in the German Legation, he greeted me with 'Now you are in my Legation and I can control the conversation'. In the baldest and most cynical manner he then proceeded to tell me that all of Southeastern Europe, to the borders of Turkey, was Germany's natural hinterland, and that he had been charged with the mission of facilitating German economic and political control over all this region for Germany. He blandly and directly said that getting control of Austria was to be the first step. He definitely stated that he was in Austria to undermine and weaken the Austrian Government and from Vienna to work towards the weakening of the Governments in the other states to the South and South East. He said that he intended to use his reputation as a good Catholic to gain influence with certain Austrians, such as Cardinal Innitzer, towards that end. He said that he was telling me this because the German Government was bound on this objective of getting this control of Southeastern Europe and there was nothing which could stop it and that our own policy and that of France and England was not realistic.

"The circumstances were such, as I was calling on him in the German Legation, that I had to listen to what he had to say and of course I was prepared to hear what he had to

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say although I already knew what his instructions were. I was nevertheless shocked to have him speak so baldly to me and when he finished I got up and told him how shocked I was to hear the accredited representative of a supposedly friendly state to Austria admit that he was proposing to engage in activities to undermine and destroy that Government to which he was accredited. He merely smiled and said, of course this conversation was between us and that he would, of course, not be talking to others so clearly about his objectives. I have gone into this detail with regard to this conversation as it is characteristic of the absolute frankness and directness with which high Nazi officials spoke of their objectives." (1760-PS)

(2) *Von Papen proceeded forthwith to accomplish his mission—the maintenance of an outward appearance of non-intervention while keeping appropriate contacts useful in the eventual overthrow of the Austrian government.* Throughout the earlier period of his mission to Austria, von Papen's activity was characterized by the assiduous avoidance of any appearance of intervention. His true mission was reaffirmed with clarity, several months after its commencement, when he was instructed by Berlin that "during the next two years nothing can be undertaken which will give Germany external political difficulties". Every "appearance" of German interference in Austrian affairs "must be avoided" (1760-PS). As von Papen himself stated to Berger-Waldenegg, the Austrian Foreign Minister:

"Yes, you have your French and English friends now and you can have your independence a little longer." (1760-PS). Throughout this period, the Nazi movement was gaining strength in Austria without openly-admitted German intervention, and Germany needed more time to consolidate its diplomatic position. These reasons for German policy were frankly expressed by the German Foreign Minister von Neurath in conversation with the American Ambassador to France (L-150).

Von Papen accordingly restricted his public activity to the normal ambassadorial function of cultivating all respectable elements in Austria and ingratiating himself in these circles—particularly if they were well-disposed (but not too obviously) to notions of Pan-Germanism. In these efforts he was particularly careful to exploit his background as a former professional officer and a Catholic (1760-PS).

Meanwhile, however, the Austrian Nazis continued illegal organization in anticipation of the possibility of securing their

objectives by force if necessary. In these efforts they were aided by Germany, which permitted the outlawed Austrian Nazis to meet and perfect their plots within Germany and with German Nazi assistance; which harbored the Austrian Legion; which made funds available to National Socialists in Austria; and which established appropriate contact with them through the Reich Propaganda Ministry and through "respectable" Austrian "front" personalities (1760-PS; 812-PS). (See also Section 3 of Chapter IX on Aggression Against Austria.)

Von Papen was fully aware of the existence and activities of these groups, and of their potentialities in effecting an Anschluss. Thus, in a report to Hitler dated 27 July 1935, entitled "Reflections on the Anniversary of Dollfuss' Death", he reviewed the activities of these illegal groups and concluded that National Socialism could "certainly become the rallying point of all racially German units beyond the borders". In this report he declared:

"The Third Reich will be with Austria, or it will not be at all. National Socialism must win it or it will perish, if it is unable to solve this task." (2248-PS).

These sentiments concerning the role of National Socialism were something more than idle speculation. Von Papen knew that the presence of the Austrian Legion in Germany in itself produced incidents, and that the Austrian Nazi movement was dependent on German support. He has so testified (at an interrogation in Nurnberg, 13 October 1945). In fact, despite his facade of strict non-intervention, he remained in contact with subversive and potentially subversive elements within Austria. Thus, in a report to Hitler dated 17 May 1935 he advised concerning the Austrian Nazi strategy as proposed by Captain Leopold, leader of the illegal Austrian Nazis (2247-PS). In subsequent statements he has revealed his *modus operandi* in the use of his embassy staff. This method provided him with an opportunity to disclaim responsibility if these activities should be questioned. Thus, his military attache, Mutz, "maintained good relations with the Army circles which were inclined towards National Socialism". Von Papen's all-around contact man with the Austrian Nazis was a member of his staff, Baron von Kettler, who "had always maintained intimate contact with a group of young Austrian National Socialists who, as we both agreed, had a conservative coating and fought for a healthy development within the Party". The practical effect of these contacts has been clarified in questioning of von Papen (at Nurnberg, 8 October 1945):

" * * * A. As I told you, I charged one of my younger

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people of the Embassy, von Kettler—he was made the go-between with these Nazi people, to smooth them down and talk with them. Personally I had not very much to do with them.

“Q. Well, I know that. That is what you always said. But the result of your time in Austria was that their interests were furthered through your office. Whether you did it personally or somebody working for you did it, I don’t think it is too important for what we have in mind here tonight; do you?

“A. No.

“Q. Now, isn’t it a fact that their interests were furthered through your office, if not through you as an individual during those years that you were there?

“A. Yes, I wanted to know about their doings, you see. I must have been informed what was going on.”

(3) *Conclusion of the Agreement of 11 July 1936 merely constituted another step towards Anschluss.* Prior to 1936, sponsorship of political subversion was not the only pressure applied by Germany in its efforts to gain control of Austria. The German Government in addition had placed certain economic barriers against trade between German and Austrian subjects, the most serious of which was the 1000 mark law, which crippled the Austrian tourist traffic by levying a 1000 RM tax on any German citizen crossing the border into Austria. The effect of these pressures was to induce the Austrian Chancellor, Kurt von Schuschnigg, to seek from Hitler an agreement to “lift the 1000 Mark barrier he had levied against Austria and reassure Austria that he had no political designs concerning our state, Austria” (2994-PS).

The result was the agreement of 11 July 1936 between Germany and Austria, which was negotiated by von Papen as Hitler’s representative. The published form of this agreement provided:

“Being convinced that they are making a valuable contribution towards the whole European development in the direction of maintaining peace, and in the belief that they are thereby best serving the manifold mutual interests of both German States, the Governments of the Federal State of Austria and of Germany have resolved to return to relations of a normal and friendly character. In this connection it is declared—

“(1) The German Government recognizes the full sover-

eignty of the Federal State of Austria in the spirit of the pronouncements of the German Fuehrer and Chancellor of May 21, 1935.

"(2) Each of the two Governments regards the inner political order (including the question of Austrian National-Socialism) obtaining in the other country as an internal concern of that country, upon which it will exercise neither direct nor indirect influence.

"(3) The Austrian Federal Government will constantly follow in its policy in general, and in particular towards Germany, a line in conformity with leading principles corresponding to the fact that Austria regards herself as a German State.

"By such a decision neither the Rome Protocols of 1934 and their additions of 1936, nor the relationships of Austria to Italy and Hungary as partners in these protocols, are affected. Considering that the detente desired by both sides cannot become a reality unless certain preliminary conditions are fulfilled by the Governments of both countries, the Austrian Federal Government and the German Government will pass a number of special measures to bring about the requisite preliminary state of affairs." (TC-22).

More interesting was the secret part of this agreement, the most important provisions of which have been summarized by Mr. Messersmith:

"Austria would (1) appoint a number of individuals enjoying the Chancellor's confidence but friendly to Germany to positions in the Cabinet; (2) would devise means to give the 'National opposition' a role in the political life of Austria and within the framework of the Patriotic Front, and (3) would amnesty all Nazis save those convicted of the most serious offenses." (1760-PS)

Especially interesting was the manner in which this agreement contained German economic concessions and further solemn assurances regarding Austrian independence and integrity, on the one hand, alongside far-reaching political concessions to the Nazi movement (2994-PS). The effect was to place Austria completely at the mercy of German good faith. Von Papen has correctly described it (in an interrogation at Nurnberg, 8 October 1945) as "the first step" toward preparation for Anschluss, notwithstanding his clear understanding at the time that the Austrian government desired and intended to retain its independence.

The Germans lost no time in making the most of their new opportunities, solemn assurances notwithstanding. The agree-

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ment merely heralded a new era in "legitimizing" the German fifth column in Austria. Thus, the immediate amnesty to political prisoners in itself presented serious police problems. The freedom granted to political demonstrations and organization by German Nazis made it difficult to police the propagandizing of Austrians. And the agreement specifically gave the German Nazis an opening wedge to representation in the Austrian government. The terroristic activities and pressure of the illegal Nazis continued without interruption under German sponsorship, until their hand was strengthened to the point of openly asking for official recognition (812-PS; 1760-PS; 2994-PS).

The importance of this agreement to the Germans was underscored by the promotion of its negotiator from *Gesandter* to *Botschafter*, at the time of its signing (Announcement, *Das Archiv*, XXVIII, p. 571).

Von Papen himself participated in this pressure game by maintaining contact with the illegal Nazis, by trying to influence appointments to strategic cabinet positions, and by attempting to secure official recognition of Nazi "front" organizations. Reporting to Hitler shortly after conclusion of the 11 July 1936 agreement, he succinctly summarized his program for "normalizing" Austro-German relations under the regime of the new agreement:

"The progress of normalizing relations with Germany at the present time is obstructed by the continued persistence of the Ministry of Security, occupied by the old anti-National Socialistic officials. Changes in personnel are therefore of utmost importance. But they are definitely not to be expected prior to the conference on the abolishing of the Control of Finances [*Finanzkontrolle*] at Geneva. The Chancellor of the League has informed Minister de Glaise-Hors-tenau, of his intention, to offer him the portfolio of the Ministry of the Interior. As a guiding principle [*Marschroute*] I recommend on the tactical side, continued, patient psychological manipulations, with slowly intensified pressure directed at changing the regime. The proposed conference on economic relations, taking place at the end of October will be a very useful tool for the realization of some of our projects. In discussion with government officials as well as with leaders of the illegal party (Leopold and Schattenfreh) who conform completely with the concordat of July 11, I am trying to direct the next developments in such a manner to aim at corporative representation of the movement in the

fatherland front [*Vaterlaendischen Front*] but nevertheless refraining from putting National-Socialists in important positions for the time being. However such positions are to be occupied only by personalities, having the support and the confidence of the movement. I have a willing collaborator in this respect in Minister Glaise-Horstenau." (2246-PS).

This activity continued through 1937. In fact, by 14 January 1937 the negotiations with the Austrian Minister of Security and the development of "front" organizations had proceeded so far that "a very intensive crisis has arisen for the illegal party" with respect to its future program. In urging a patient attitude toward these problems, von Papen appeared less concerned with the legitimacy of their position under the 11 July 1936 agreement than with his fear that

"a too strong and far-reaching connection (with a proposed conservative 'German Action' front organization) would be understood neither in our own ranks nor could it be of use to the action itself." (2831-PS)

On the other hand when an Austrian cabinet minister failed to show sufficient energy to suit von Papen's purpose, he showed no hesitancy, under the terms of his 11 July 1936 agreement, to urge replacement by a more cooperative individual. Thus, von Papen has summarized his efforts to remove the Austrian Minister of the Interior (monograph "Austria"):

"I had tried to persuade Schuschnigg to appoint another minister to his cabinet beside Herr von Glaise, who was not very active. The new minister was to act as trusted liaison man between the two governments, able to work on innumerable problems directly without diplomatic intervention. This simplification would also bring the men on both sides of the fence closer together."

By the beginning of 1938, the Nazi hand had been so strengthened in Austria, and the differences and misunderstandings regarding the agreement of 11 July had become so serious and frequent, that Chancellor Schuschnigg found it expedient to accept von Papen's invitation to meet Hitler at Berchtesgaden, notwithstanding serious misgivings on the part of Schuschnigg (2995-PS). Von Papen showed no hesitancy in extending this invitation despite the fact that he knew Hitler's "idea to swallow Austria", despite his knowledge of Schuschnigg's distrust of Hitler, and despite his own doubts concerning the value of Hitler's word. Notwithstanding the situation, he found it possible even to urge Schuschnigg that Hitler was a man upon whom Schuschnigg could rely. And in making these representa-

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tions, he was fully aware of the extent of German rearmament and of its possible use as a diplomatic pressure device (according to interrogations, Nurnberg, 19 September and 8 October 1945).

On 11 February 1938, Schuschnigg left for Berchtesgaden to meet Hitler. At this meeting the severest pressure was exerted to extort far-reaching concessions from Austria, including reorganization of the cabinet, appointment of Seyss-Inquart as Minister of Security and the Interior, and a general amnesty to Nazis convicted of crimes (2995-PS; 2461-PS; 1544-PS; 1780-PS).

It was at this meeting that Papen urged upon Hitler the appointment of Seyss-Inquart as Minister of Security and the Interior (according to monograph "Austria").

Thoroughly entrenched in the government, the Nazis were now able to seize upon Schuschnigg's plebiscite as an excuse to seize power, and to call for military intervention by Germany (812-PS; 2996-PS). (See also Section 3 of Chapter IX on Aggression Against Austria.)

Thereafter it was only a matter of hours before Austria became a province of the Reich—by a law signed by von Papen's man, Seyss-Inquart (2307-PS).

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*3375-PS	Von Papen's speech at Essen, 2 November 1933, published in Voelkischer Beobachter, Southern German Edition, 4 November 1933. (GB 245)	VI	101
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19. ARTUR SEYSS-INQUART

Within the Nazi conspiracy Seyss-Inquart became the expert manipulator and subjugator of countries to be invaded or already invaded by the Nazi conspirators, first of Austria, later of Poland and The Netherlands. For the benefit of the Nazi conspirators he enslaved these countries, making them vassals of the Nazi regime.

A. POSITIONS HELD BY SEYSS-INQUART.

(1) *Positions Held by Artur Seyss-Inquart in the Order Set Forth in the Indictment.*

(a) Member of the NSDAP (Nazi Party), 13 March 1938 to 8 May 1945.

- (b) General in the SS, 15 March 1938 to 8 May 1945.
 - (c) State Councillor of Austria, May 1937 to 12 February 1938.
 - (d) Minister of Interior and Security of Austria, 16 February 1938 to 11 March 1938.
 - (e) Chancellor of Austria, 11 March 1938 to 15 March 1938.
 - (f) Member of the Reichstag, April 1938 to 8 May 1945.
 - (g) Member of the Reich Cabinet, 1 May 1939 to 1945.
 - (h) Reich Minister without Portfolio, 1 May 1939 to September 1939.
 - (i) Chief of the Civil Administration of South Poland, early September 1939.
 - (j) Deputy Governor-General of the Polish Occupied Territory, 12 October 1939 to 18 May 1940.
 - (k) Reich Commissar for Occupied Netherlands 18 May 1940 to 8 May 1945. (2910-PS)
- (2) *Positions Held in Addition to Those Set Forth in the Indictment.*
- (a) Reich Governor of Austria, 15 March 1938 to 1 May 1939. (2910-PS)
 - (b) President of the German Academy, Munich, 1943. (3457-PS)
- (3) *Previous Occupations of Seyss-Inquart.*
- (a) Commissioned officer in a Tyrol-Kaiserjaeger Regiment of the Austrian Army in World War I, 1914-1918.
 - (b) Lawyer in Vienna, Austria. (3425-PS)

B. SEYSS-INQUART USED HIS POSITIONS AND INFLUENCE SO AS TO PROMOTE THE NAZI SEIZURE AND CONSOLIDATION OF CONTROL OVER AUSTRIA.

(1) *Seyss-Inquart was a member of the Nazi Party and held the rank of General in the SS.* Seyss-Inquart has admitted that he became a member of the Nazi Party on 13 March 1938; that he was made a General in the SS on 15 March 1938, and held both membership and rank until 8 May 1945. (2910-PS)

Seyss-Inquart, in a letter to Goering, on 14 July 1939, asserted that he had been a member of the Nazi Party since 1931. The following is an excerpt from that letter:

"Until July 1934, I conducted myself as a regular member of the Party. And if I had quietly in whatever form paid my membership dues, the first one according to a receipt, I paid in December 1931." (2219-PS)

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In a voluntary statement signed by Seyss-Inquart, with the advice of his counsel, he discussed his affiliation with the Nazi Party as follows:

"I supported also the National Socialist Party as long as it was legal, because it declared itself with particular determination in favor of the Anschluss. From 1932 onward I made financial contributions to this Party, but I discontinued financial support when it was declared illegal in 1934."
(3425-PS)

In contrast with the foregoing assertions of the defendant, Seyss-Inquart wrote a letter to Heinrich Himmler on 19 August 1939 in which he confirmed the fact that he became a member of the Nazi Party in 1931 and also stated that he continued his membership in the Nazi Party even after it was declared illegal in Austria. The following is an excerpt from that letter:

"Concerning my membership in the Nazi Party, I want to state that I never was asked to enter the Nazi Party but I asked Dr. Kier in December 1931 to take care of my relation to the Party. At that time I saw the basis of the solution of the Austrian question only in the Party. I wrote this already in the year 1929 to Dr. Neubacher to adjust his hopes which he had put in the Austria-German Volksbund. After that, I paid my membership fees and, as I remember, direct to the Gau Wien. The payments were made even after the party was forbidden. Some time later, I got in direct touch with the *Ortsgruppe* in Dornbach. The membership fees were paid by my wife but the Blockwart couldn't possibly have any doubt that those payments were for my wife and myself since the amount of the fees, S 40 [40 Schillings] a month, was a sure indication of this fact and I was treated in every respect as a Party member. Besides that, I was, since 1932, a member of the *Steirischen Heimatschutzes Kammerhofer*. In this organization I made every effort to absorb the *Steirische Heimatschutz* in the Party and mainly on account of my efforts, von Habicht declared that the members of the *Steirische Heimatschutz* were members of the Party. That proves that I felt myself, in every respect, as a member of the Party and I was regarded as belonging to the Party and as I said before, already in December 1931." (3271-PS)

(2) *Seyss-Inquart, even before he became a member of the Nazi Party, belonged to an organization conceived and founded upon principles which later became those of the Nazi Party.*

Seyss-Inquart has stated in writing that he had been a member of a secret organization known as the "German Brotherhood" (*Deutsche Gemeinschaft*). This is evidenced by the following excerpts from his letter to Himmler of 19 August 1939:

"It must be known to you that at the time of the Black-Red Coalition, there existed an extremely secret organization under the name of 'German Community.' Here met all sorts of Nationalists and Catholic elements who, at least at that time, were anti-Semitic and anti-Marxists. Dr. Doelter, who was my office chief, was one of the leaders of this association and through him I came into this movement. Dolfuss was also active here. He was of my age and was a very active anti-Semitic. It is through success of the activities of this organization that the Black-Red Coalition was broken and the Marxists never came back in the government. After the establishment of National Socialism, this organization was dissolved." (3271-PS)

The secret organization, "German Brotherhood", (*Deutsche Gemeinschaft*), was organized to promote the anti-Semitic and anti-Free Mason doctrines later adopted by the Nazi Party. This fact is evidenced by Seyss-Inquart's copy of the minutes of a meeting of this organization on 28 December 1918 and by its constitution and by-laws, a portion of which appear in the following quotation:

"The purpose of this organization is the liberation of the German people from Jewish influences, and combat against Jewry with all available means. The organization is secret. Since a contact of the organization with the public can't be avoided it has to be done under pretense of unsuspecting purposes and without showing the actual set-up." (3400-PS)

New members of this organization were required to make a sworn statement, i.e.:

"As a German man, I assure with my honor, as far as I know, there is no Jewish blood in my descendency. Furthermore, I am not connected by marriage with a wife or other companion of Jewish descendency, and I never will have relation with one of those. I am not a Free Mason, I assure to be forever a good member of the *Deutsche Gemeinschaft* and I will always represent the interest of the German people against the Jewish people and I am willing to fight the Jewish people with all my power, any place and at any time. I promise to obey all orders and decrees of the leadership of the organization and to preserve complete secrecy about their institution,

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about the persons of the organization, and the events within it, as long as I live." (3400-PS)

New members were also asked the question: "In case you will be accepted, are you willing to employ only Aryan physicians, attorneys, and businessmen?" (3400-PS)

(3) *Seyss-Inquart, after the Austrian Nazi Party was declared illegal in July 1934, posed as a non-member of the Nazi Party but continued to support it in its activities, principles, and objectives in a subversive manner.*

Seyss-Inquart has stated that:

"Before the Anschluss, I worked for the legal, political activities of the Austrian Socialists under the conditions laid down in the Austrian Constitution. * * * From 1932 onwards I made financial contributions to this party but I discontinued financial support when it was declared illegal in 1934. From July 1934 until the year 1936 I supported individual National Socialists as lawyer and in collaboration with the welfare work Langoth in Linz. From July 1936 onwards, I endeavored to help the National Socialists to regain their legal status and finally to participate in the Austrian Government.

* * * I was sympathetic towards the efforts of the Austrian Nazi Party to gain political power and corresponding influence because they were in favor of the Anschluss. * * *

On 10 March 1938 I suggested to Chancellor Schuschnigg, as a solution to the difficulties resulting from his plebiscite plan, that the National Socialists be appointed to the Cabinet, after I became in May 1937 State Councillor and then on 16-2-1938 Minister of Interior and Security." (3425-PS)

Seyss-Inquart was an official in the Austrian Government, yet he rendered services, and physical and moral support to the illegal Austrian Nazi Party during those years, knowing that the radical elements engaged in terroristic acts.

"During this time, particularly after the Party was forbidden in July 1934, I knew that the radical element of the Party was engaged in terroristic activities, such as the attacks on railroads, bridges, telephone communications, etc. I knew that the governments of both Chancellors Dolfuss and Schuschnigg, although they held the same total German viewpoint in principle, were opposed to the Anschluss then because of the National Socialist regime in the Reich. I was sympathetic towards the efforts of the Austrian Nazi Party to gain political power and corresponding influence, because they were in favor of the Anschluss. On the day of the un-

successful 'putsch,' 25 July 1934, I was at my home in Stanern near Iglau, Czechoslovakia. I learned later that the murder of Chancellor Dolfuss on that day was the outcome of a 'putsch' plan, in which SS circles were mainly involved, to arrest the Chancellor and put in an Austrian government with National Socialist participation. Eight or ten days before this unsuccessful 'putsch' Chancellor Dolfuss sent for me. We discussed the disturbances and troubled state of affairs created in Austria by the radical element of the Austrian National Socialists. I advised Chancellor Dolfuss to make an arrangement with Hitler because the Austrian National Socialists and even this radical element would obey Hitler's orders. I conjectured—later I found confirmation—that these terroristic activities had a certain support from the Reich. Chancellor Dolfuss told me he would think the matter over and made a tentative future appointment for a further discussion. I informed among others, also acquaintances, of this conversation whom I knew had influence among the Austrian National Socialists. About one week later Chancellor Dolfuss informed me that at the moment he had no time for further discussion." (3425-PS)

(4) *Seyss-Inquart derived personal benefits and political power as the result of the subversive manipulations and terroristic activities of his fellow Nazi collaborators.* He was appointed State Councillor of Austria in May 1937, and Minister of the Interior and Security of that country as the direct result of Nazi manipulation. These facts he has admitted:

"My appointment as State Councillor was the result of an agreement between Austria and Germany on 11-7-1936. My appointment as Minister of the Interior and Security was one of the results of the conference between Chancellor Schuschnigg and Hitler at Berchtesgaden on 12-2-1938." (3425-PS)

Another result of the Berchtesgaden conference was that Austrian Nazis were thereafter allowed openly to demonstrate their conviction, an advantage which they exploited to the full.

"The Austrian National Socialists must certainly have taken my appointment as Minister of Interior and Security as an indication of their right to activity. Still more, however, the outcome of the agreement of 12-2-1938 allowed them to demonstrate their convictions. This right they utilized in more and more widespread demonstrations." (3425-PS)

(5) *Seyss-Inquart used his affiliation with the Nazis to pro-*

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mote the absorption of Austria into the Greater German Reich according to plan as conceived by his fellow Nazi conspirators. Seyss-Inquart had had a continuous and constant interest in the union of Austria and Germany for twenty years, and during all that time worked, planned, and collaborated with others until the union became an accomplished fact.

"In 1918 I became interested in the Anschluss of Austria with Germany. From that year on I worked, planned, and collaborated with others of a like mind to bring about a union.

* * * It was my desire to effect this union of the two countries—in an evolutionary manner and by legal means. Among my Austrian collaborators were Dr. Neubacher, City Councillor Speiser, the University Professor Hugelmann, and Dr. Wilhelm Bauer, Professor Wettstein and others. Later, during the rise of National Socialism, Dr. Friedrich Rainer, Dr. Jury, Glaise-Horstenau, Major Klausner, Dr. Muehlmann, Globotschnigg, and others. * * * After I became State Councillor, I discussed several times with von Papen, the German Ambassador, the possibilities of an understanding between the Austrian government and the Austrian National Socialists, respectively the Reich. We did not talk of the Anschluss as an actual program. However, we were both of the opinion that a successful understanding would bring about in the course of time the Anschluss by evolutionary means in some form. The last time I spoke to von Papen was in January 1938 in Garmisch where I met him by chance." (3425-PS)

Seyss-Inquart contributed his efforts to revive the Austrian Nazi Party after the unsuccessful "putsch" of July 25, 1934, and to provide relief for the families of arrested and condemned Nazis. He has described these activities in the following words:

"The effect of the 'Putsch' was a complete catastrophe to the National Socialist Camp. Not merely the leaders, but party members were arrested in so far as they did not escape; the confiscation of their fortunes was announced; the revolt which led to military actions in Steiriermark, Karnten and Oberoesterreich did cost victims; the political management was seriously compromised by the Nazis and above all, a most sinister looking situation was created in regard to foreign politics. In any case, the idea of a union had suffered a severe setback. I was in agreement about the effect with Dr. Neubacher, and it was our desire to assist easing the tension. Following this situation I felt urged to take up politics beyond the question of the 'Anschluss.' * * * The former

National delegate to the 'Langoth' in Linz was working with Rheintaller. Dr. Neubacher and myself contacted this circle and met there some other men whose names I have forgotten, but who later did not play a particular role. After some time, the lawyer applicant from Linz, Dr. Kaltenbrunner, joined this circle. He was said to be an SS man. The main activities consisted in organizing an institution to succor the needy families of those arrested and condemned Nazis. * * * As matters calmed down, the Austrian National Socialists collected themselves again into an illegal party, the organization was built up for better or worse according to the old schedule, those who returned from the Reich were considered to be more 'in the know' and authoritative. The institution of succor, 'Langoth,' remained outside the party organization. But here were also men in the Nazi circles who considered an absolute dependence on the Reich as politically wrong and endeavored for an independent Austrian National Socialist Party. In effect, Dr. Rainer from Karnten belonged to those, and by his influence the future Gauleiter Klausner who is now dead; also Globotschnigg was in it, though I doubt he was sincerely convinced, and also others. Dr. Neubacher took a keener interest in political affairs and entered into relationship with the proper Party circles." (3254-PS)

The defendant submitted his plans to Hitler, Hess, and Goering for their approval, and contacted other German Nazis.

"After my appointment as State Councillor, Wilhelm Keppler, the German Secretary of State for Austrian affairs, arranged a visit for me with Hess and Goering. I explained my intentions and plans to them, namely, the attainment of the legal activity for the Austrian National Socialist, independent of the Reich Party. Hess expressed his interest and said to me among other things: he regretted that I was not one of the original 'old fighters.' I believe that at that time Goering had already established direct connections with the Austrian State Secretary, Guido Schmid. After my appointment as Minister of Interior and Security of Austria, I went to Berlin to visit Hitler. I arrived in Berlin on 17-2-1938 where I was met by Keppler who took me to Himmler. This visit was not anticipated in my program. Himmler wanted to talk over police matters, I informed him, however, that I was not conversant to speak about them. I did not follow the suggestions which he made. I greeted Hitler with raised hand—permissible after the agreement of 12-2—advised him, how-

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ever, immediately that as Austrian Minister, my responsibility lay with Austria. I explained to Hitler my plans, namely: I was to be the living guaranty for Dr. Schuschnigg of the evolutionary way. The Austria National Socialists must only conduct their activities according to the Austrian Constitution and on those lines find their way to the Reich; they must not make any totalitarian claim nor conduct a cultural struggle. The leadership of the Austrian National Socialists must be independent of the Reich and remain responsible to Austria. I would have, as Minister of Security, to oppose any kind of illegal activity. Against this the Austrian National Socialist would be permitted full freedom of activity to work for the closest cooperation of Austria and Germany. Hitler agreed to my plans but expressed certain doubts whether Dr. Schuschnigg would be willing to go so far. During my conference with Hitler, Keppler and Ribbentrop waited in the ante-room of Hitler's office." (3425-PS)

Seyss-Inquart's fellow Nazi conspirators regarded his position as Councillor of State in the Austrian Government as most important to them, because he had a mandate from the German Nazis in power, which he was attempting to carry out. Because his negotiations with Chancellor Schuschnigg seemed to be running aground, Seyss-Inquart sent a report of that fact to Keppler by courier, stating that he felt compelled to return his mandate, and expressing a desire to discuss the matter before acting accordingly. Keppler immediately sought advice from Goering in a letter dated 6 January 1938. On that same day Goering's secretary was instructed to telephone instructions to Keppler to do anything to avoid the resignations of Councillor of State Dr. Seyss-Inquart and State Minister Glaise von Horstenau. Keppler received this telephone message on 7 January 1938, and on 8 January 1938 wrote a letter to Seyss-Inquart informing him of Goering's instructions and relaying Goering's request not to give up the mandate under any circumstances without discussing the matter with Goering. (3473-PS; 3397-PS)

Despite assertions, in statements since his arrest and indictment, to the effect that he desired a union of Austria and Germany in an evolutionary manner and by legal means, Seyss-Inquart has on other occasions made statements to the contrary. His letter of 14 July 1939 to Goering is particularly illuminating on this point:

"I told myself in July 1934 that we must fight this clerical regime on its own ground in order to give the Fuehrer a chance to use whatever method he desires. I told myself that

this Austria was worth a mass. I have stuck to this attitude with an iron determination because I and my friends have had to fight against the whole political church, and Free Masonry, the Jewry, in short, against everything in Austria. The slightest weakness which we might have displayed would undoubtedly have led to our political annihilation; it would have deprived the Fuehrer of the means and tools to carry out his ingenious political solution for Austria as became evident in the days of March 1938. I have been fully conscious of the fact that I am following a path which is not comprehensible to the masses and also not to my party comrades. I have followed it calmly and would without hesitation follow it again because I am satisfied that at one point I could serve the Fuehrer as a tool in his work, even though my former attitude, even now, gives occasion to very worthy and honorable Party comrades to doubt my trustworthiness. I have never paid attention to such things because I am satisfied with the opinion which the Fuehrer and the men close to him have of me." (2219-PS)

Another statement of the defendant, which throws some light on this point, is found in his letter to Himmler dated 19 August 1939:

"On November 8, 1938, the Fuehrer invited several political leaders for supper. The Fuehrer asked me to be next to him. We discussed the situation in Ostmark. I told him that in accordance with his order, we started to dissolve the competence of the Austrian government by giving the powers partly to the Gauen and partly to the central leaders. But there still would remain certain affairs which would be common for all Gauen." (3271-PS)

Furthermore, Seyss-Inquart has made the following statement:

"I was happy that the Anschluss of Austria with the German Reich had come at last after so many vain endeavors since 1918 because I was in favor of the Anschluss of Austria with the Reich under many conditions. I was aware at least to a certain extent of the harshness of the National Socialist regime, but I was of the opinion that these two German countries belonged together and that the German people should solve their own internal affairs and difficulties. I was convinced that the harshness of the National Socialist regime chiefly because of its achievement of the National aim—cancellation of discriminatory peace treaties and achievement of the right of self-determination—would in time be surmounted." (3425-PS)

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The subversive machinations of the Austrian Nazis to bring about the absorption of Austria by the Greater German Reich was described in detail by Dr. Friedrich Rainer, a leading Austrian Nazi and a collaborator of Seyss-Inquart who became one of Hitler's Gauleiters, in a report prepared by him and forwarded to Buerckel. A copy of this report accompanied by a letter of transmittal was later sent to Seyss-Inquart by Dr. Rainer. In substance, the report related how the Nazi party lost a parliamentary battle in 1933, continued its efforts to force admission of its representatives into the Austrian government, and finally flowered into the unsuccessful "Putsch" of July 1934, which, in effect, destroyed the Nazi organization. Following the unsuccessful "Putsch", Hitler liquidated the first stage of the battle, and instructed Franz von Papen to restore normal relationships between the two countries. Accordingly, a new method of political penetration was adopted. The result was that Hinterleitner, an Austrian Nazi got in touch with the lawyer Seyss-Inquart, who had connections with Dr. Wachter originating from Seyss-Inquart's support of the July uprising. Seyss-Inquart also had a good position in the legal field and especially well established relations with Christian Social politicians. Dr. Seyss-Inquart came from the ranks of the "Styrian Heimatschutz" and had become a Nazi party member when the entire "Styrian Heimatschutz" was incorporated in the NSDAP. The reason for utilizing Seyss-Inquart appears in the following excerpt from the covering letter which accompanied Dr. Rainer's report to Reich Commissar Gauleiter Josef Buerckel, dated 6 July 1939:

"I think the main reason for the fact that the person of Dr. Seyss-Inquart seemed to Hitler and to public opinion to have stepped in the limelight in those March days, was that no position existed in the party which one might have presented oneself to the public, and that there was no man who had the guts to let himself be presented. The actual reason was that the party leadership had to remain secret during the whole illegal fight, secret even from the Reich German public."
(812-PS)

Thus it is clear why Seyss-Inquart was surreptitiously a member of the Austrian Nazi Party after it was declared illegal in 1934.

Dr. Rainer goes on to report that full recognition of the party leadership was given by Seyss-Inquart and also that the defendant was in permanent contact with Captain Leopold, who became a member of the staff of Hess. After Hinterleitner was arrested, Dr. Rainer became his successor as leader of the Austrian Nazi Party, and, on 16 July 1936, Dr. Rainer and Globocnik visited

Hitler at Obersalzburg, where they received a clear explanation of the situation and the wishes of the Fuehrer. Subsequently, on 17 July 1936, all illegal Gauleiters met in Anif near Salzburg, where they received a complete report from Dr. Rainer on the statement of the Fuehrer and his political instructions for carrying out the fight. After the agreement between Germany and Austria on 11 July 1936, Hitler appointed Wilhelm Keppler as Chief of a mixed commission to supervise the execution of the agreement. At the same time Keppler was given full authority for the Nazi Party in Austria. (812-PS)

(6) *The activities of Seyss-Inquart and his fellow Nazi conspirators and collaborators forced the then Austrian government into a critical situation and a struggle for survival.* As the result of the plans, maneuvers, and disturbances created by the Nazis in Austria, Schuschnigg, Chancellor of Austria, accompanied by his State Secretary, Guido Schmid, conferred with Hitler at Berchtesgaden on 12 February 1938. Dr. Muehlmann was also present but not as a member of the Schuschnigg delegation. At this meeting the possibilities for military action by Germany against Austria were demonstrated to the Chancellor. The ultimate result was that Chancellor Schuschnigg had no choice but to accept the demands of Hitler that the Austrian Nazi Party be legalized; that amnesty be granted to Austrian Nazis already convicted for illegal activities; and that Seyss-Inquart be appointed Minister of the Interior and Security in the Austrian cabinet, (2995-PS; 3254-PS; 3425-PS; 2469-PS; 2464-PS)

A few days after the Berchtesgaden meeting of Hitler and Schuschnigg, and immediately after his appointment as Minister of the Interior and Security of Austria, Seyss-Inquart went to Berlin for a conference with Hitler. Upon arrival in Berlin he was met by Keppler, Hitler's special delegate on Austrian affairs, who took him to Himmler. After a short conference with Himmler, the defendant was conducted to Hitler, to whom he gave the Nazi salute and with whom he had a conference lasting two hours and ten minutes. Foreign Minister von Ribbentrop and Keppler waited in the ante-chamber during the conference. Seyss-Inquart first offered Hitler an explanation for greeting him with the Hitler salute, by saying: "I consider him as the Fuehrer of the German people who led us out of the discriminations of the peace treaties." During the conference, he rendered a report to Hitler concerning the Austrian situation since June of 1934 and presented his own program for Hitler's approval. Hitler expressed his approval of the plan but told Seyss-Inquart that he doubted

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whether Chancellor Schuschnigg would be willing to go so far. It seems clear that Hitler's doubt concerning Schuschnigg's approval of the Seyss-Inquart plan referred solely to Seyss-Inquart's proposal to allow Austrian Nazis to "conduct their activities according to the Austrian Constitution and on those lines find their way to the Reich," because all other portions of his plan had previously been adopted as a result of the Berchtesgaden Agreement. (3254-PS; 3425-PS; 2484-PS)

Seyss-Inquart has asserted that, upon his return to Vienna after his conference with Hitler, he reported to Chancellor Schuschnigg the content of his discussion and urged the Chancellor to make a decision about the Austrian National Socialist question. He then attended rallies of the Austrian National Socialists held in various places in Austria to inform them of the content of his conference with Hitler. Two of the principal meetings were held at Graz and Linz (3425-PS; 3254-PS). Considerable doubt is cast upon the truth of Seyss-Inquart's assertions that he reported the contents of his conference with Hitler to Chancellor Schuschnigg and in public meetings of the Austrian Nazis, by a statement contained in a letter written by Seyss-Inquart to Himmler on 19 August 1939. The statement is as follows:

"I had a conversation of over two hours with the Fuehrer on February 17, 1938, in which I explained to him my point of view. I would only be able to make statements about the content of this conversation if the Fuehrer would grant me permission. I left this discussion as a very sincere man and with a feeling of great happiness to be of help to the Fuehrer." (3271-PS)

(7) *Finally Chancellor Schuschnigg determined to go before the people for a decision on the question of Austrian independence.* Chancellor Schuschnigg planned to hold a plebiscite on that precise question and fixed 13 March 1938 as a date upon which the plebiscite would be held. The Chancellor took Seyss-Inquart into his confidence and discussed the matter of the plebiscite with him. The Chancellor requested Seyss-Inquart to keep the matter a secret until noon of the next day, and the defendant promised to do so. Thereafter, Seyss-Inquart prepared a letter to Schuschnigg objecting to the plebiscite on constitutional grounds and alleging that the manner in which the plebiscite was to be held would not allow the Austrians to express their own desires. Seyss-Inquart admits that a copy of his letter was delivered to Hitler in Berlin by Globotschnigg. (3254-PS; 3425-PS)

On 9 March 1938, a meeting of the Austrian Nazis was held be-

cause they had learned, through an illegal information service, that a plebiscite was to be held. Dr. Rainer describes this meeting in the following language:

"The '*Landesleitung*' received word about the planned plebiscite through illegal information services on 9 March 1938 at 10 a. m. At the session, which was called immediately afterwards, Seyss-Inquart explained that he had known about this information only a few hours, but that he could not talk about it because he had given his word to keep silent on this subject. But during the talks he made us understand that the illegal information we received was based on truth, and that in view of the new situation, he had been cooperating with the '*Landesleitung*' from the very first moment. Klausner, Jury, Rainer, Globotschnigg, and Seyss-Inquart were present at the first talks which were held at 10 a. m. There it was decided that first, the Fuehrer had to be informed immediately; secondly, the opportunity for the Fuehrer to intervene must be given to him by way of an official declaration made by Minister Seyss-Inquart to Schuschnigg; and thirdly, Seyss-Inquart must negotiate with the government until clear instructions and orders were received from the Fuehrer. Seyss-Inquart and Rainer together composed a letter to Schuschnigg, and only one copy of it was brought to the Fuehrer by Globocnik, who flew to him on the afternoon of 9 March 1938." (812-PS)

Seyss-Inquart himself admits that he attended this meeting, which was held at the Regina Hotel, Vienna (3425-PS; 3254-PS). The defendant was informed at this meeting that he would receive a letter from Hitler by messenger the next morning. (3425-PS; 3254-PS).

Early on the morning of 11 March 1938, Seyss-Inquart received Hitler's letter. He describes it as having contained several erroneous statements and containing a demand that a decision should be arrived at before noon; that in case of rejection the Reich Government would denounce the agreement of 12 February 1938 and military action must be understood. According to Seyss-Inquart, Hitler also gave expression to his belief that there would be disturbances in Austria if Chancellor Schuschnigg would not relent and that the Reich would come to the help of Austria if Austria demanded so. Glaise-Horstenau arrived by plane in Vienna early that same morning with the information that Berlin was greatly excited and that military steps were in preparation. (3254-PS; 3425-PS)

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(8) *Seyss-Inquart then proceeded to carry out Hitler's orders and to fulfill the plans made by himself and his fellow Nazi conspirators.* Dr. Rainer in his report to Reich Commissar Gauleiter Josef Buerckel, and in his covering letter dated 6 July 1939, related his version of the sequence of events during this period and described the precise role of Seyss-Inquart, as he viewed it. He complained about the fact that Hitler and the general public seemed to give Seyss-Inquart all the credit for the annexation of Austria by Germany. The following quotation from this letter and report is significant:

"Soon after taking over in Austria, Klausner, Globocnik, and I flew to Berlin to report to Hitler's deputy, Hess, about the events which led to our taking over the government. We did this because we had the impression that the general opinion, perhaps also Hitler's own, was that the liberation depended more on Austrian matters of state rather than the Party. To be more exact, Hitler especially mentioned Dr. Seyss-Inquart alone; and public opinion gave him alone credit for the change and thus believed him to have played the sole leading role." (812-PS)

Dr. Rainer then proceeded to describe just what happened in those critical days, and outlined the final instructions given by him for Friday, 11 March 1938. He explained that three situations might develop within the following days:

"1st Case: The plebiscite will not be held. In this case, a great demonstration must be held.

"2nd Case: Schuschnigg will resign. In this case, a demonstration was ordered in taking over the government power.

"3rd Case: Schuschnigg will take up the fight. In this case, all party leaders were ordered to act upon their own initiative, using all means to capture the position of power." (812-PS)

Dr. Seyss-Inquart took part in these talks with the Gauleiters.

"On Friday, 11 March, the Minister Glaise-Horstenau arrived in Vienna after a visit with the Fuehrer. After talks with Seyss-Inquart he went to see the chancellor. At 11:30 a.m. the '*Landesleitung*' had a meeting at which Klausner, Rainer, Globocnik, Jury, Seyss-Inquart, Glaise-Horstenau, Fishboeck and Muehlmann participated. Dr. Seyss-Inquart reported on his talks with Dr. Schuschnigg which had ended in a rejection of the proposal of the two ministers.

"In regard to Rainer's proposal, von Klausner ordered that the government be presented with an ultimatum, expiring at 1400 hours, signed by legal political, 'Front' men, includ-

ing both ministers and also State Councillors Fishboeck and Jury, for the establishment of a voting date in three weeks and a free and secret ballot in accordance with the constitution.

"On the basis of written evidence which Glaise-Horstenau had brought with him, a leaflet, to be printed in millions of copies, and a telegram to the Fuehrer calling for help, were prepared.

"Klausner placed the leadership of the final political actions in the hands of Rainer and Globocnik. Schuschnigg called a session of all ministers for 2:00 p.m. Rainer agreed with Seyss-Inquart that Rainer would send the telegram to the Fuehrer and the statement to the population at 3:00 p.m. and at the same time he would start all necessary actions to take over power unless he received news from the session of the ministers' council before that time. During this time all measures had been prepared. At 2:30 Seyss-Inquart 'phoned Rainer and informed him that Schuschnigg had been unable to take the pressure and had recalled the plebiscite but that he had refused to call a new plebiscite and had ordered the strongest police measures for maintaining order. Rainer asked whether the two ministers had resigned, and Seyss-Inquart answered: 'No.' Rainer informed the 'Reichskanzlei' through the German Embassy, and received an answer from Goering through the same channels that the Fuehrer will not consent to partial solutions and that Schuschnigg must resign. Seyss-Inquart was informed of this by Globocnik and Muehlmann; talks were had between Seyss-Inquart and Schuschnigg: Schuschnigg resigned. Seyss-Inquart asked Rainer what measures the party wished taken. Rainer's answer: Reestablishment of the government by Seyss-Inquart, legalization of the party, and calling up of the SS and SA as auxiliaries to the police force. Seyss-Inquart promised to have these measures carried out, but very soon the announcement followed that everything might be threatened by the resistance of Miklas. Meanwhile word arrived from the German Embassy that the Fuehrer expected the establishment of a government under Seyss-Inquart with a national majority, the legalization of the party, and permission for the legion to return, all within the specified time of 7:30 p.m.; otherwise, German troops would cross the border at 8:00 p.m. At 5:00 p.m. Rainer and Globocnik, accompanied by Muehlmann, went to the Chancellor's office to carry out this errand.

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"Due to the cooperation of the above-mentioned people with group leader Keppler and other officials of the Reich and due to the activities of other contact-men in Austria, it was possible to obtain the appointment of Seyss-Inquart as '*Staatsrat*' [councillor of State] in July 1937. Due to the same facts, the Chancellor Dr. Schuschnigg was forced to take a new so-called 'satisfactory action'. Through all this a new and stronger political position was won in the Austrian system. The National-Socialist Party became acceptable again in the political field and became a partner with whom one had to negotiate, even when it was not officially incorporated into internal Austrian political developments. This complicated political maneuver, accompanied by the steadily increasing pressure from the Reich, led to talks between the Fuehrer and Schuschnigg at the Obersalzberg. Here Gruppenfuehrer Keppler presented the concrete political demands of the fighting underground movement, which he estimated according to his personal experiences and the information he received. The results of these talks were the right of a free acknowledgment of the National Socialist movement on the one hand and the recognition of an independent Austrian state on the other hand, as well as the appointment of Seyss-Inquart as Minister of Interior and Public Safety, as a person who will guarantee to both sides the proper carrying out of the agreements. In this way Seyss-Inquart occupied the key position and was in the center of all obvious political actions. A legal base in the government was won for the party. This resulted in a paralysis of the 'system apparatuses' [Schuschnigg government] at a time when a revolution needed to be carried out. Through this, the basis for a new attack on the Schuschnigg government was won.

"Situation: Miklas negotiated with Ender for the creation of a government which included, blacks, reds and National Socialists, and proposed the post of Vice-Chancellor to Seyss-Inquart. The latter rejected it and told Rainer that he was not able to negotiate by himself because he was personally involved, and therefore a weak and unpleasant political situation might result. Rainer negotiated with Zernette. Director of the cabinet Huber, Guido Schmid, Glaise-Horstenau, Legation Councillor Stein, Military Attache General Muffe, and the 'Gruppenfuehrer' Keppler, who had arrived in the meantime, were also negotiating. At 7:00 Seyss-Inquart entered the negotiations again. Situation at 7:30 p.m.: Stubborn

refusal of Miklas to appoint Seyss-Inquart as Chancellor; appeal to the world in case of a German invasion.

"Gruppenfuehrer Keppler explained that the Fuehrer did not yet have an urgent reason for the invasion. This reason must first be created. The situation in Vienna and in the country is most dangerous. It is feared that street fighting will break out any moment because Rainer ordered the entire party to demonstrate at 3 o'clock. Rainer proposed storming and seizing the government palace in order to force the reconstruction of the government. The proposal was rejected by Keppler but was carried out by Rainer after he discussed it with Globocnik. After 8:00 p.m. the SA and SS marched in and occupied the government buildings and all important positions in the city of Vienna. At 8:30 p.m. Rainer, with the approval of Klausner, ordered all Gauleiters of Austria to take over power in all eight 'gaus' of Austria, with the help of the SS and SA and with instructions that all government representatives who try to resist should be told that this action was taken on order of Chancellor Seyss-Inquart.

"With this, the revolution broke out, and this resulted in the complete occupation of Austria within three hours and the taking over of all important posts by the party * * *.

"The seizure of power was the work of the party supported by the Fuehrer's threat of invasion and the legal standing of Seyss-Inquart in the government. The national result in the form of the taking over of the government by Seyss-Inquart was due to the actual seizure of power by the party on one hand, and the political efficiency of Dr. Seyss-Inquart in his territory on the other; but both factors may be considered only in the relation to the Fuehrer's decision on 9 March 1938 to solve the Austrian problem under any circumstances and the orders consequently issued by the Fuehrer." (812-PS)

Seyss-Inquart's own story of the events on 11 March 1938 is not fundamentally different, although he does show a marked tendency to minimize his role in the planning, precipitating, and accomplishment of the annexation of Austria by Germany, in a statement signed by him after his arrest and indictment:

"At 10 o'clock in the morning Glaise-Horstenau and I went to the Bundes Chancellery and conferred for about two hours with Dr. Schuschnigg. We told him of all that we knew, particularly about the possibility of disturbances and preparations by the Reich. The Chancellor said that he would

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give his decision by 1400 hours. While I was with Glaise-Horstenau and Dr. Schuschnigg, I was repeatedly called to the telephone to speak to Goering. He informed me, (the demands of the Reich steadily increasing) that the agreement of 12-2 had been cancelled, and demanded Dr. Schuschnigg's resignation and my appointment as Chancellor. I delivered this information verbally to Dr. Schuschnigg and withdrew from the conference.

"In the meantime Keppler arrived from Berlin and had a conference in the Bundes Chancellery, I believe also with President Miklas. The latter refused to concede to the demands and sought to find various other solutions. When Keppler arrived from Berlin he showed me the contents of a telegram which I, as leader of the provisional Austrian Government, was to send to Hitler and in which I was to request sending of German troops to Austria to put down disorders. I refused as I did not want to establish myself as head of a provisional government, and there were no disorders in Austria. Keppler repeatedly urged me about the telegram. Around 6 p.m. I told him that he knew my standpoint and should do what he wished with Berlin. Keppler, as I have been able to confirm from records available, understood my answer and did not send off the telegram at that time. Around 7:30 p.m. a frontier police post announced that German troops were crossing the frontier. Thereupon Dr. Schuschnigg gave his well known farewell speech over the radio. Upon requests from various sides I followed with a speech over the radio, stating that I was still functioning as Minister of Interior and Security, requesting preservation of peace and order, and gave directions that no resistance should be offered the German troops.

"As I am able to gather from the records available, I was again requested about 10 p.m. to give my sanction to another somewhat altered telegram, about which I informed President Miklas and Dr. Schuschnigg. Finally President Miklas appointed me Chancellor and a little while later he approved of my proposed ministers." (3425-PS)

However, Seyss-Inquart displayed undue modesty in this statement. His letter to Himmler indicates how active he was on 11 March 1938, and reveals that he was not satisfied with making demands upon Chancellor Schuschnigg, but also handed an ultimatum to President Miklas:

"It is only possible that Buerckels made a statement that in the critical hours it was hard to find me. After I had handed

an ultimatum to Miklas which was resipited until 5:45 p.m. I took a recess of about a half hour to catch some fresh air. I conceded that I was, in a way, exhausted from the things which happened just a few hours before that and I tried to find recreation in the fresh air. Besides that I planned to take a look at the situation on the streets. Furthermore, I wanted to make a phone call to Berlin, not from the Chancellery, but from some other place. Phone calls from the Chancellery were always tapped whereas they were only sometimes tapped from other places. I was sure they didn't need me until 5:30 p.m., because the men of the old system would not make a decision a second earlier than they had to." (3271-PS)

A stenographic transcript of Goering's telephone conversation with Seyss-Inquart confirms the fact that Seyss-Inquart was ordered to demand Chancellor Schuschnigg's resignation and the appointment of himself as Chancellor. (2949-PS)

This stenographic record of Goering's conversations also reveals that Seyss-Inquart had an agent keep in contact with Goering during the negotiations with Chancellor Schuschnigg. Seyss-Inquart was given an order by Goering through this agent to report by 7:30 p.m., 11 March 1938, that he had formed a new government. He was informed that the foreign political aspect would be handled exclusively by Germany and that Hitler would talk with him about this matter at a future date. (2949-PS)

In addition the stenographic transcript of these telephone conversations show that the selection of individual members of the cabinet of the new government to be established by Seyss-Inquart was to be made by the Nazi conspirators in Berlin. (2949-PS)

At 1726 hours on the night of 11 March 1938, Seyss-Inquart reported to Goering by telephone as ordered. He reported that President Miklas had accepted the resignation of Chancellor Schuschnigg but wanted to appoint a man like Ender to the Chancellorship. He further reported his suggestion to the President that the Chancellorship be entrusted to him—Seyss-Inquart—and also reported that "We have ordered the SA and the SS to take over police duties." Thereupon Goering ordered Seyss-Inquart to go with Lt. Gen. Muff to President Miklas and inform him that if the demands were not met immediately German troops, already advancing to the frontier, would invade Austria that night and Austria would cease to exist. An audience with the President was to be demanded. The invasion would be stopped only if President Miklas entrusted Seyss-Inquart with the Chancellorship. Seyss-Inquart was also instructed to call out the National Social-

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ists of Austria all over the country, because Austrian Nazis should even then be in the streets. Seyss-Inquart was to report again at 7:30 p.m. (2949-PS)

The telegram, already prepared, asking Hitler to send German troops into Austria, over the defendant Seyss-Inquart's signature, was transmitted as ordered and agreed upon. (2463-PS)

Even before Seyss-Inquart received his appointment as Chancellor of Austria he dispatched a telegram using that title. An affidavit of August Eigruher states as follows:

"On the evening of 11 March 1938 at between 8 and 9 o'clock p. m. he received two telegrams; one of which came from Dr. Seyss-Inquart, as Bundes Chancellor of Austria, and the other from one Dr. Rainer; that the telegram from Dr. Seyss-Inquart appointed the affiant as temporary *Landeshauptmann* in Upper Austria; and that the telegram from Dr. Rainer appointed the affiant temporary leader of the National Socialist Party in Upper Austria." (2909-PS)

Schuschnigg presented his resignation, which was accepted by President Miklas. The appointment of Seyss-Inquart as Chancellor came late on the evening of 11 March 1938. (2465-PS)

(9) *Having infiltrated into the Austrian Government of Chancellor Schuschnigg according to plan, Seyss-Inquart exploited his opportunities to carry out the plan to its ultimate conclusion, i.e. German annexation of Austria.* The first act of Seyss-Inquart as the new Chancellor of Austria was to hold a telephone conversation with Hitler early in the morning of 12 March 1938. He has described the substance of this telephone conversation as follows:

"During the morning of 12 March I held a telephone conversation with Hitler in which I suggested that while German troops were entering Austria, Austrian troops as a symbol should march into the Reich. Hitler agreed to this suggestion and we agreed to meet in Linz, Upper Austria, later on that same day." (3425-PS)

Thereafter, on 12 March 1938, Seyss-Inquart greeted Hitler on the balcony of the City Hall of Linz, Upper Austria. In his ensuing speech, Seyss-Inquart announced that Article 88 of the Treaty of St. Germain, which provided that "the independence of Austria is inalienable otherwise than with the consent of the Council of the League of Nations," was no longer operative.

"I then flew to Linz with Himmler, who had arrived in Vienna from Berlin. I greeted Hitler on the balcony of the City Hall,

and said that Article 88 of the Treaty of St. Germain was now inoperative." (3425-PS; L-231)

In his memorandum entitled "The Austrian Question" Seyss-Inquart describes his meeting with Hitler as follows:

"In the afternoon, I flew with Himmler to Linz and drove then to meet Hitler. Hitler entered Linz in the evening. I never saw such an enthusiasm. The welcome was spontaneous and of no precedence. In my (welcome) speech I declared that Article 88 of the St. Germain Treaty was no longer binding." (3254-PS; 2485-PS)

Seyss-Inquart then drove back to Vienna on the morning of 13 March 1938. His Secretary of State for Security begged that he be allowed to resign, a decision he reached as a result of a conversation with Himmler, which had caused him to fear for his own personal welfare. Seyss-Inquart then nominated Kaltenbrunner for State Secretary for Security, and the nomination was accepted by President Miklas. About noon State Under Secretary Stuckart of the German Reich Ministry of the Interior brought a proposal for a reannexation act uniting Austria to Germany, and announced Hitler's wish for prompt execution of it. Seyss-Inquart then called a meeting of his Council of Ministers, and on his proposal the council adopted the act. (3254-PS)

Seyss-Inquart, realizing that if the President of Austria resigned his office, then he, Seyss-Inquart, would be the successor, went to President Miklas with the information about the action of the Council of Ministers. Seyss-Inquart describes this meeting with President Miklas as follows:

"In the case where the Bund President would, for any reason, either have resigned his functions or be, for some time, impeded in fulfilling them, his prerogatives were to go over to the Bund Chancellor, I went to the Bund President with Dr. Wolff. The President told me that he did not know whether this development would be of welfare to the Austrian Nation, but that he did not wish to interfere and preferred to resign his functions, so that all rights would come into my hands, according to the Constitution. The possibility of my dismissal or resignation were only slightly mentioned and recognized as inopportune in the prevailing situation." (3254-PS)

President Miklas then resigned and Seyss-Inquart succeeded to his office. (2466-PS)

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Thereafter Seyss-Inquart signed the Act uniting Austria with Germany and hurried back to Linz to report this news to Hitler:

"Then there were some letters exchanged between the Bund President and myself, confirming our conversation and his retirement. Thereafter I drove to Linz, where I arrived around mid-night and reported to the Fuehrer the accomplishment of the Anschluss Law. Hitler was very much impressed by it; for a while he remained quiet, then tears dropped from his eyes down his cheeks. He said then that he was especially happy because his Motherland had achieved her annexation to the Reich without any shedding of blood." (3254-PS)

On 14 March 1938 Hitler entered Vienna. On 15 March 1938 there was a public demonstration in Vienna and Hitler introduced Seyss-Inquart as "Reich Statthalter for Austria." Hitler then put him in charge of the Civil Administration of Austria, while political matters were assigned to Gauleiter Josef Buerckel, who shortly thereafter was made Reich Commissar for the Anschluss. (3425-PS)

(10) *Despite Seyss-Inquart's modesty since arrest and indictment, his fellow Nazi conspirators recognized the importance of his part in the Austrian Anschluss.*

Goering made a speech in Vienna on 26 March 1938 in which he said:

"At this moment [announcement of the plebiscite in Austria] it has been established that now the decision really came. A complete unanimity between the Fuehrer and the N. S. confidants inside of Austria existed. According to their opinion also the hour of action had come, but they thought they could not use any more democratic methods in negotiations and they took the law of action in their own strong hands and forced the others to retreat. If the N. S. rising succeeded so quickly and thoroughly without bloodshed, it is first of all due to the intelligent and decisive firmness of the present Reichsstatthalter Seyss-Inquart and his confidants. But this too proved the correctness of the previous continued politics because if our confidants had not been in the government, this whole course of events would not have been possible." (3270-PS)

According to Dr. Rainer, Hitler and the general public gave Seyss-Inquart credit for playing the leading role in the annexation of Austria by Germany. This is evidenced by the covering letter written by Dr. Rainer, dated 6 July 1939, to Reich Commissar Gauleiter Josef Buerckel:

"We had the impression that the general opinion, perhaps also Hitler's own, was that the liberation depended more upon Austrian matters of state rather than the Party. To be more exact, Hitler especially mentioned Seyss-Inquart alone; and public opinion gave him alone credit for the change and thus believed him to have played the sole leading role." (812-PS)

In his report to Reich Commissar Buerckel, Dr. Rainer said:

"But as a result of the agreement at Berchtesgaden and the statement of the Fuehrer made to him during his state visit to Berlin, Seyss-Inquart was the personal trustee of the Fuehrer and directly responsible to him for the illegal NSDAP in Austria within the confines of his political sphere.

* * * The seizure of power was the work of the party supported by the Fuehrer's threat of invasion and the legal standing of Seyss-Inquart in the government.

"The national result in the form of the taking over of the government by Seyss-Inquart was due to the actual seizure of power by the Party on one hand and the political efficiency of Dr. Seyss-Inquart in his territory on the other." (812-PS)

Hans Frank recognized the importance of the services rendered by Seyss-Inquart to the Nazi cause in Austria. When Seyss-Inquart was about to leave Poland to become Reich commissar of the Occupied Netherlands Territories, Frank extolled him as follows:

"But your name without that is shining like a light through the history of the Third Reich, since you are the creator of the National Socialist Austria." (3465-PS)

(11) *The Nazi conspirators within the German Reich evinced their intentions of annexing Austria in many ways.* Hitler, on the first page of Chapter 1 of *Mein Kampf*, said:

"Today it seems to me providential that Fate should have chosen Braunau on the Inn as my birthplace. For this little town lies on the boundary between two German states which we of the younger generation at least have made it our life work to reunite by every means at our disposal.

"German-Austria must return to the great German Mother Country, and not because of any economic considerations. No, and again no: even if such a union were unimportant from an economic point of view; yes, even if it were harmful, it must nevertheless take place. One blood demands one Reich. Never will the German Nation possess the moral right to engage in Colonial politics until, at least, it embraces its own sons within a single state. Only when the Reich

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borders include the very last German, but can no longer guarantee his daily bread, will the moral right to acquire foreign soil arise from the distress of our own people. Their sword will become our plow, and from the tears of war the daily bread of future generations will grow."

Seyss-Inquart devoted his efforts to legalize the sale and circulation of *Mein Kampf* in Austria. His letter to Keppler, German Secretary of State for Austrian Affairs, contained the following passage.

"The *Teinfaltstrasse* is very well informed even if not in detail about my efforts regarding the re-permission of the book 'Mein Kampf'." (3392-PS)

Goering and Schacht both told an American diplomat that it was Germany's determination to annex Austria and Sudetenland to the Reich. (L-151)

One of the missions of von Papen, as German Ambassador to Austria, was to effect a change in the personnel of the Austrian Cabinet headed by Chancellor von Schuschnigg and to eliminate anti-Nazi opposition, particularly in the Ministry of Interior and Security. (2246-PS)

The German Reich applied economic pressure upon Austria. One of the means adopted was the law of 24 March 1933, which required payment of 1,000 Reichs Marks by every German crossing the border into Austria (3467-PS). Kurt von Schuschnigg, former Chancellor of Austria, in his affidavit of 19 November 1945, described this economic pressure upon Austria by Germany in the following words:

"* * * During my tenure of office as Federal Chancellor of Austria, more particularly on the 11th day of July, 1936, I negotiated with the then existing government of the German Reich, and with Adolf Hitler, an Agreement more particularly known as the Agreement of 11 July 1936.

"I further depose and say that prior to the consummation of the aforesaid Agreement, the German Government had placed certain economic barriers against trade between Germany and Austria such as—to-wit—the 1,000 mark barrier which said barrier provided that any German citizen who crosses the border of Germany into Austria is obliged to pay to the German Government the sum of 1,000 German Reichs Marks for the privilege thereof—Austria had been accustomed before this edict of the German Government to receive into Austria some one hundred thousand visitors from Germany annually.

"I further state that the aforesaid barrier placed against

Austria was extremely injurious to Austrian agriculture and industrial interests." (2994-PS)

Jodl stated in his diary that in 1938 the aim of German policy was the elimination of Austria and Czechoslovakia. The will of resistance in both countries was undermined by pressure on the government as well as by propaganda and the fifth column. At the same time German military preparations for attack were worked out (1780-PS). ("Case Otto" was the code name for the Austrian campaign, and "Case Green" was the code name for the battle plans against Czechoslovakia.)

Jodl also stated in his diary that when Chancellor von Schuschnigg announced the proposed plebiscite for 13 March 1938, Hitler was determined to intervene. Goering, General Reichenau, and Minister Glaise-Horstenau were called before Hitler. "Case Otto" was to be prepared, and the mobilization of army units and air forces was ordered on 10 March 1938. The march into Austria took place on 11 March 1938. (1780-PS)

(12) *Hitler and the Nazi conspirators completed the annexation of Austria by decree.* On 11 March 1938 Hitler issued a directive regarding "Case Otto" addressed to the German armed forces, classified Top Secret, in which he stated that, if other measures proved useless, his intentions were to invade Austria with armed force. The directive prescribed operational duties and assigned objectives. It further provided that resistance was to be broken up ruthlessly with armed force. (C-102)

Later on that same day, at 8:45 p. m., Hitler issued a second directive, which stated in substance, that the demands of the German ultimatum to Austria had not been fulfilled, and for that reason the entry of German armed forces into Austria would commence at daybreak on 12 March 1938. He directed that all objectives were to be reached by exerting all forces to the full as quickly as possible. (C-182)

On 13 March 1938 Germany in violation of Article 80 of the Treaty of Versailles, formally incorporated Austria into the Reich by decree and declared it to be a province of the German Reich. (2307-PS)

Officials of the Province of Austria were then required by decree to take an oath of personal obedience to Hitler. Jews were barred from taking this oath, and thus could not retain offices and positions previously held. (2311-PS)

Members of the Austrian Army were required to take an oath of personal allegiance to Hitler as their Supreme Commander. (2936-PS)

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Compulsory military service was instituted in Austria by law, which provided the Greater German Reich with additional manpower for its armed forces. (1660-PS)

(13) *Seyss-Inquart participated in the execution of the plans for aggression against Czechoslovakia.* In an official report to Viscount Halifax, Basil Newton, an official of the British Government, related some of the "gangster methods employed by the Reich to obtain its ends in Czecho-Slovakia." The part played by Seyss-Inquart was described in this report in the following words:

"On M. Sidor's return to Bratislava, after he had been entrusted with the Government in place of Mgr. Tiso, Herr Buerckel, Herr Seyss-Inquart and five German generals came at about 10 pm on the evening of Saturday, the 11th March, into a Cabinet meeting in progress at Bratislava, and told the Slovak Government that they should proclaim the independence of Slovakia. When M. Sidor showed hesitation, Herr Buerckel took him on one side and explained that Herr Hitler had decided to settle the question of Czecho-Slovakia definitely. Slovakia ought, therefore, to proclaim her independence because Herr Hitler would otherwise disinterest himself in her fate. M. Sidor thanked Herr Buerckel for this information, but said that he must discuss the situation with the Government at Prague." (D-571)

Hitler expressed his intention to crush Czechoslovakia in the following language:

"'At Munich I did not take Bohemia and Moravia into the German territorial sphere [*"Lebensraum"*]. I left the Czechs only another five months, but for the Slovaks I have some sympathy. I approved the Award of Vienna in the conviction that the Slovaks would separate themselves from the Czechs and declare their independence, which would be under German protection. That is why I have refused Hungarian demands in respect of Slovakia. As the Slovaks appear to be agreeing with the Czechs it looks as though they have not respected the spirit of the Vienna Award. This I cannot tolerate. To-morrow at mid-day I shall begin military action against the Czechs, which will be carried out by General Brauchitsch' (who was present and to whom he pointed). 'Germany,' he said, 'does not intend to take Slovakia into her "*Lebensraum*," and that is why you must either immediately proclaim the independence of Slovakia or I will disinterest myself in her fate. To make your choice

I give you until to-morrow mid-day, when the Czechs will be crushed by the German steam-roller.'” (D-571)

Ribbentrop and von Neurath also participated in the execution of the Nazi plot to obliterate Czechoslovakia as a nation. (D-571)

The use of pressure, fifth columnists, and propaganda to undermine resistance in Czechoslovakia, and the preparation of military plans for the attack upon that country were all noted by Jodl in his diary. (1780-PS)

Before the annexation of Austria by Germany Seyss-Inquart was in communication and contact with Konrad Henlein, the leader of the Sudeten German Nazis in Czechoslovakia. On 29 December 1937 Seyss-Inquart wrote a letter to Henlein in encouraging terms and extended his warmest sympathy and hope for the success of the Sudeten Germans (3523-PS). Henlein thereafter replied in a letter to Seyss-Inquart dated a few days after the German annexation of Austria had been accomplished. In this letter Henlein expressed his pride in the fact that Seyss-Inquart, born a Sudeten German, had fulfilled the task determined by the Fuehrer in the most decisive hour of German history. He also thanked Seyss-Inquart for the effect and influence the developments in Austria would have in the Sudetenland. (3522-PS)

C. SEYSS-INQUART PARTICIPATED IN THE POLITICAL PLANNING AND PREPARATION OF THE NAZI CONSPIRATORS FOR WARS OF AGGRESSION AND WARS IN VIOLATION OF INTERNATIONAL TREATIES, AGREEMENTS, AND ASSURANCES SET FORTH IN COUNTS ONE AND TWO OF THE INDICTMENT.

The German Reichstag came under the control of the Nazi conspirators with the advent of Hitler into the German Government and became a willing tool in the hands of Hitler and the conspirators. (See Sections 2, 3, and 4 of chapter VII on the acquisition and consolidation of totalitarian political control, and terrorization of political opponents.)

The members of the Reich Cabinet were the accomplices, aiders and abettors of Hitler and his closest Nazi lieutenants in the political planning and preparation for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances. (See section 3 of chapter XV on the Reich Cabinet.)

Seyss-Inquart was a member of the Reichstag and of the Reich Cabinet before the invasion of Poland, and occupied those positions until the unconditional surrender of Germany. Thus he is

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equally responsible for the acts and decisions of the members of those governmental bodies concerning the political planning and preparation of the Nazi Conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment. (2910-PS)

D. SEYSS-INQUART AUTHORIZED, DIRECTED, AND PARTICIPATED IN THE CONSPIRACY TO COMMIT WAR CRIMES AS SET FORTH IN THE INDICTMENT.

(1) *Austria.*

(a) *Position and authority of Seyss-Inquart.* Seyss-Inquart was appointed Reich Governor of Austria by Hitler on 15 March 1938, and was put in charge of the Civil Administration. Austria had then ceased to exist as an independent nation and was a province of the German Reich. (2910-PS; 3425-PS)

Goering, as Delegate for the Four-Year Plan, commissioned Seyss-Inquart, who was then *Reichsstatthalter* in Austria, jointly with the Plenipotentiary of the Reich, to consider and take any steps necessary for the "Aryanization of business and economic life, and to execute this process in accordance with our laws" (Laws of the Reich). (3460-PS)

Seyss-Inquart participated in the drafting of laws for the sequestration and confiscation of property of the so-called "enemies of the people and State." Evidence of this fact is found in the correspondence between Seyss-Inquart and Dr. Lammers, Chief of the Reichs Chancellery. On 24 October 1938 Seyss-Inquart wrote a letter to Dr. Lammers stating in substance that the law providing for the sequestration and confiscation of the property of enemies of the State was almost completed and ready for the signature of the Fuehrer, and expressing hope that the signature would be obtained soon. Dr. Lammers replied to Seyss-Inquart that the decree would be issued by the Reichminister of the Interior, a copy of which had been submitted to Hitler, who had expressed no objections. (3448-PS; 3447-PS)

The power and authority of Seyss-Inquart with respect to the sequestration and confiscation of the property of "enemies of the State" stemmed from a decree empowering the *Reichsstatthalter* in Vienna, or the office designated by him, to confiscate property of persons or societies which had promoted efforts inimical to the people of the State. This decree also attempted to legalize the confiscation of property ordered by the Secret State Police prior to the issuance of the decree. (3450-PS) This decree appeared

to be a secret law, because it was not published. Yet its existence as law is evidenced by a letter written to the Reichsfuehrer SS and Chief of the German Police, Himmler, in January 1939, which shows that the decree was in fact issued on 18 November 1938. (3449-PS)

(b) *Murder and illtreatment of civilians.* Seyss-Inquart was aware that so-called enemies of the State were imprisoned in concentration camps. His knowledge of this matter is evidenced by his claim of credit for the transfer of his predecessor—Chancellor of Austria, von Schuschnigg—from one concentration camp to another in south Germany which was in the path of the armed forces of the United States. (3254-PS)

One of the most notorious concentration camps was Mautausen, located in Austria and in existence while Seyss-Inquart was the Reich Governor of the Province of Austria. As has already been shown, this camp became noted as an extermination center. (2176-PS)

(c) *Plunder of public and private property.* Even before the issuance of the above decree for the sequestration and confiscation of the property of the so-called enemies of the State, Seyss-Inquart wrote a letter to Hitler indicating that he had come into possession of from 700 to 900 valuable tapestries. Seyss-Inquart offered to display the most beautiful pieces so that the Fuehrer might make a selection. In this same letter Seyss-Inquart expressed his pride and wonder over the manner in which Hitler had "solved the Sudeten problem." (3391-PS)

While Seyss-Inquart was Reich Governor of the Province of Austria a large quantity of valuable property, including works of art, belonging to the so-called enemies of the State, was seized, sequestered, and confiscated. A partial list of such property is found in a memorandum which referred to a report of the Reich Fuehrer SS and Chief of the German Police submitted with a letter dated 10 August 1938 and received in Berlin 26 September 1938. This inventory listed a total of 162 cases of confiscation, of which 113 cases had a value of some 93,366,358.24 marks. It is significant that the former owners of this property were Jews and political opponents of the Nazis. (3446-PS)

(2) *Poland.*

(a) *Position and authority.* Seyss-Inquart was appointed Deputy Governor General of the Polish Occupied Territory by Hitler's decree of 12 October 1939, which also appointed Hans Frank Governor General of the Polish Occupied Territory. The official title of the government of Poland under the Nazi con-

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spirators was the "General Government" (3147-PS). Prior to his appointment as Deputy Governor General of the Polish Occupied Territory from the early part of September 1939 to 12 October 1939, Seyss-Inquart was Chief of the Civil Administration of South Poland (2910-PS). Seyss-Inquart as Deputy Governor General of the Polish Occupied Territory was second only to the Governor General, Frank. (2233-CC-PS)

The Chief of the Office of the Governor General of the Polish Occupied Territory and the Higher SS and Police Leaders were directly subordinate to the Governor General and his representative. In turn the leaders of the General and Security Police were subordinated to the Higher SS and Police Leaders. (3468-PS)

According to Hans Frank, Seyss-Inquart organized the General Government of Poland. When Seyss-Inquart was about to depart to assume his new duties as Reich Commissar for the Occupied Netherlands, Frank eulogized Seyss-Inquart as follows:

"In the construction of the General-Government, your name will forever take a place of honor as originator of this organization and State system. I express our thanks, Mr. Reichminister, for your collaboration and for your creative energy in the name of all officers, employees, and laborers, of all SS organizations and the whole police force of the General-Government, and in the name of the District Chiefs, the Gau and city leaders, in the name of all otherwise on the order of the Reich and the Fuehrer her active persons.

* * *" (3465-PS)

During November 1939 Seyss-Inquart made a tour of inspection in Poland. While on this tour he gave lectures to the German officials of the General Government of Poland concerning their duties and German administrative policy in that country. He told these officials that the only principal aim of that policy was to satisfy the interests of the Reich and that they should promote everything of use to the Reich and hamper all that might damage the Reich. He instructed the officials that the German Government must utilize the General Government of Poland for German economic purposes. (2278-PS)

(b) *Murder and illtreatment of the civilian population of occupied territories.* While Seyss-Inquart was on the aforesaid tour of inspection, a Dr. Lasch, who was a District Governor, reported to Seyss-Inquart that all criminals found in the penitentiaries were shot. The executions, however, were conducted in closed-off wooded areas and not in public. (2278-PS)

In his report concerning his tour of inspection Seyss-Inquart

stated that the intellectuals of Poland were to a greater part locked up. He also passed on the suggestion made by District Governor Schmidt to use the "moorish" country around Cychov, Poland, as a reservoir for Jews because this measure might have a decimating effect upon the Jewish population of Poland. (2278-PS)

Hans Frank, in his capacity as Governor General of the Polish Occupied Territory, made an official report to Hitler in which he stated that, in the course of time, the German rule had led to a substantial deterioration in the "attitude" of the entire Polish people due to malnutrition, mass arrests, mass shootings, and rigorous methods used to obtain forced labor. In this report it was admitted that before 1939 the food supply of the Polish people was quite adequate to sustain them. (437-PS)

(c) *Plunder of public and private property.* During the afore-said tour of inspection Seyss-Inquart ordered the seizure of all soap stocks, and informed the German officials that the seizure of soap and tea was to be regarded as most important. In addition he ordered a marshalling of goods such as oil, salt, manures, etc., in monopolies such as cooperative societies. He also directed that the Polish unemployment fund in a considerable amount be diverted to the repair of damaged buildings. (2278-PS)

Frank in his report to Hitler stated that there had been a confiscation of a great part of Polish estates, together with encroachments upon and confiscation of the assets of industries, trades, professions, and other private property. (437-PS)

(d) *Conscription of civilian labor.* Seyss-Inquart, as Deputy Governor General of the Polish Occupied Territory, attended most staff meetings held by Frank, the Governor General. Among the subjects discussed and decided upon at those meetings was the conscription and deportation of vast numbers of Polish nationals to the Reich for forced labor. Some of these deportees were employed in instruments of war production in violation of Articles 6, 23h, 46, and 52 of the Hague Regulations 1907, as well as the Prisoner of War Convention (Geneva 1929). On 11 January 1940 one Frauendorfer reported in the presence of Seyss-Inquart that daily transports, each carrying 1,000 workers, were going to the Reich. Thus Seyss-Inquart aided and abetted in these violations. (2233-B-PS)

According to Frank approximately 160,000 agricultural workers and 50,000 industrial workers were conscripted and deported from Poland to the Reich up to and including 21 April 1940. Because the total quota had been fixed at 500,000 and because there were not enough "voluntary enlistments", solution to the prob-

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lem was sought in the use of coercive measures. Seyss-Inquart participated actively in the discussions on this matter, and thus aided materially in the solution of the problem. (2233-N-PS)

(e) *Germanization of occupied territories.* The Nazi government of the Polish Occupied Territory was determined to make Poland entirely German. (Evidence of this intention is discussed in Chapter XIII.) In addition, Frank in his report to Hitler reported that there had been an expropriation of property and expulsion of Polish nationals therefrom for German settlements in Poland. (437-PS)

(3) *The Netherlands.*

(a) *Position and authority of Seyss-Inquart.* Seyss-Inquart was appointed Reich Commissar for the occupied Netherlands territories by decree of Hitler dated 18 May 1940. This decree made Seyss-Inquart "guardian of the interests of the Reich" and invested him with "supreme civil authority." Seyss-Inquart was made responsible only to Hitler, and empowered to promulgate laws by decree for the occupied Netherlands territories. (1376-PS; 2910-PS)

(b) *Abrogation and modification of Netherlands legislation not justified by military necessity.* In his capacity as Reich Commissar of the occupied Netherlands territories Seyss-Inquart authorized and directed the abrogation or modification of Netherlands legislation not demanded or justified by military exigency. This action was in violation of Article 43 of the Hague Regulations, 1907.

The acts abolished included Provincial and Municipal Laws. (3340-PS; 3342-PS)

Ordinary criminal laws not in conflict with the permissible objectives of the occupying power were abrogated, suspended, or radically changed. Administrative courts martial were established by decree of Seyss-Inquart as Reich Commissar which empowered the Leader of the Superior SS and the Police and Special Agents appointed by the Reich Commissar to deviate from existing law. This decree also prescribed harsh penalties for misdemeanors, extending from 10 years to life imprisonment, and include the death penalty (i) for participation in "activities likely to disturb or endanger public order and security" and (ii) for intentional violation of the orders of the Reich Commissar. (2111-PS)

Existing marriage laws were amended by Seyss-Inquart so as to require approval of the Reich Commissar instead of the consent of parent or guardian in the case of Dutch girls. The statu-

tory waiting period was also abolished. Thus, intermarriage of Germans with female persons of Netherlands nationality were facilitated and promoted. (3339-PS)

Existing legislation concerning Netherlands nationality was modified by Seyss-Inquart so as to favor Germany. (3341-PS).

Additional decrees not justified or demanded by the military interests of the occupant were issued by Seyss-Inquart as Reich Commissar. These decrees amended or superseded and distorted existing laws concerning press, education, social services, corporate life, trade unionism, medical care, art, science, and divers phases of the political, social, economic, and industrial life of the Netherlands. Some of these enactments, including the discriminatory decrees against the Jews, are considered in greater detail hereafter. (1726-PS)

(c) *Germanization of Netherlands Territory.* Seyss-Inquart in his capacity as Reich Commissar for the occupied Dutch Territory, took affirmative steps to assimilate the territory under his jurisdiction politically, culturally, socially, and economically into the German Reich. This action violated Articles 43, 46, 55, and 56 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law, the internal penal laws of the countries in which such crimes were committed, and Article 6 (b) of the Charter.

The more offensive crimes in the above category, such as economic exploitation and enforced conscription are considered in detail elsewhere in this section. Other "Germanization" measures, such as the decrees promoting marriage between German males and female Netherlands, and altering citizenship laws in favor of Germany, have been previously adverted to.

When he assumed office on 29 May 1940, Seyss-Inquart said in a speech at The Hague:

"We neither will oppress this land and its people imperialistically nor will we impose on them our political convictions. We will bring this about in no other way—only through our deportment and our example." (3430-PS)

The *bona fides* of the above statement is belied by a public statement made by Seyss-Inquart two years later. In a speech at Hengelo on 19 May 1943 he revealed his true purpose:

"Several times it has been held against me that I have let national socialism come to the fore in all phases in public life. As far as I am concerned that is no reproach, it is a historical mission, which I have to fulfill here." (3430-PS)

Full disclosure of Seyss-Inquart's intentions and actions with respect to nazification and exploitation of Holland was made in

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a Top Secret report prepared by him and sent to Berlin covering the situation in the Netherlands during the period 29 May to 19 July 1940. This report was forwarded by Lammers of the Reich Chancellery to Rosenberg. Seyss-Inquart prefaces the report by describing his mission as not merely the guarding of Reich interests and maintaining order, but also the building of close economic ties between the Netherlands and the Reich. The report catalogues in considerable detail the measures initiated by Seyss-Inquart, discusses the building up of the NSDAP in the Netherlands, and adverts to the proposed creation of Nazi para-military and corresponding organizations. It also mentions the efforts made to bring about an assimilation of interests between Holland and Germany in the fields of economics and agriculture, culture, art, and science. The report points out that the allocation of supplies made, and financial and currency arrangements prescribed, were favorable to the Reich; that such transactions were signed by Dutch officials so that the "appearance of being voluntary" was preserved. (997-PS)

(d) *Spoliation of property.* In his capacity as Reich Commissar for the Occupied Netherlands territory Seyss-Inquart authorized, directed, and participated in the exploitation of the material resources of the Occupied Netherlands territory for purposes unrelated to the needs of the Army of Occupation. These acts were all in violation of Article 6 (b) of the Charter and Articles 43, 46-49, 52 of the Hague Regulations, 1907.

These crimes, for which Seyss-Inquart is responsible not only by virtue of his position as the dominant civil representative of the Reich Government in the Occupied Netherlands territory but also because of his direct participation in the initiation and execution of such criminal policies, took the following form:

Control and exploitation of the Netherlands economy in the interest of the German total war effort.

Levy of excessive occupation charges on the Netherlands.

Exaction of large sums of money and gold as "external occupation costs," or "contributions to the war against Bolshevism."

Requisitioning of gold and foreign exchange of Dutch nationals for purposes unrelated to the needs of the occupation army.

Use of German reichsmarks as currency in the Netherlands for purposes unrelated to the needs of the occupation army, with compulsory free exchange of such Reichsmarks for gulden by the Netherlands Bank.

(Evidence of the foregoing methods of exploitation of the occupied Netherlands and correlative enrichment of the Reich is discussed in Chapter XIII.)

The Nazi conspirators were measurably aided in executing the foregoing policies in Holland by the cooperation of a local Nazi, Rost van Tonnigen, who was appointed President of the Netherlands Bank and Treasurer in the Netherlands Ministry of Finance by Seyss-Inquart in the spring of 1941. The cooperative spirit with which van Tonnigen discharged his responsibilities in these posts was disclosed in the following excerpt from a report of the German Commissar of the Netherlands Bank:

"The new President of the Netherlands Bank, Mr. Rost van Tonnigen, is, in contrast to a large part of the leadership, penetrated in his movements and his official acts by the greater German thought, and convinced of the necessity of the creation of a greater European economic space. This ideological attitude in itself gives him the correct position on financial and monetary policy questions for his country in relation to the greater German economic space. Furthermore it makes easier cooperation with my office, a fact which deserves special mention in consideration of the frequently observed impossible conduct of the Netherlands agencies before the entrance into office of the new President. I consider as a fortunate solution the fact that the Reichskommissar for the Occupied Dutch Areas has also entrusted Mr. Rost van Tonnigen with the Treasury of the Ministry of Finance [*Schatzamt des Finanzministeriums*]. Mr. Rost van Tonnigen took over this office at the end of the month of April. Thus there is a guarantee that the financial and monetary policy of the country will be conducted according to unified points of view." (*ECR-174*; see also *Verordnungsblatt*, No. 22, 24 August 1940 (Fourth Order of the Reich Commissar for the Occupied Netherlands concerning certain Administrative Measures); *Lemkin*, "Axis Rule in Occupied Europe," pp. 455-456.)

In addition to the responsibility which attaches to Seyss-Inquart as a result of his dominant position in the Netherlands, his appointment of Nazi-minded individuals to key positions, and his complete knowledge of and acquiescence in illegal Nazi policies, there is conclusive evidence of his initiation of such policies. In April 1942 "at the instigation of the Reich Commissar Seyss-Inquart" the Netherlands began to pay a "voluntary contribution to the war against Bolshevism" of 50,000,000 guilders per month, retroactive to 1 July 1941, of which ten million per month was paid in gold. (*ECR-195*)

By 31 March 1944, this contribution amounted to 2,150,000,000 RM. (*EC-86*)

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The alleged "voluntary" character of the contribution is to be taken with considerable reserve in view of the admission contained in Seyss-Inquart's Top Secret report of 29 May to 19 July 1940, that the voluntary nature of previous financial and economic measures was in reality fictional. (997-PS)

However, the question whether or not the contribution is to be deemed at the direction of Seyss-Inquart or was in fact "voluntary" is immaterial. It is manifest that the then President of the Netherlands Bank and Treasurer in the Ministry of Finance, van Tonnigen, acted in the German interest and to the detriment of the Netherlands. His acts are attributable to the responsible head of the German Civil Administration in the Netherlands and the individual to whom he owed his appointment, Seyss-Inquart.

(e) *Participation in activities of Einsatzstab Rosenberg.* Seyss-Inquart, in his capacity as Reich Commissar for the Occupied Netherlands territory, also cooperated with and acquiesced in the activities of the *Einsatzstab Rosenberg* in the territory under his jurisdiction. He is therefore responsible for his actions in this regard, which constituted crimes under Article 6 (b) of the Charter and violations of Articles 46, 47, and 56 of the Hague Regulations, 1907.

(The *Einsatzstab Rosenberg*, which commenced as a research library project, developed into a systematic program for the wholesale looting of art treasures and cultural objects in the conquered territories. Its activities are discussed in Chapter XIV.)

Implication of Seyss-Inquart in the criminal activities of the *Einsatzstab Rosenberg* is revealed in a detailed progress report of its chief Netherlands representative, Schimmer. The first paragraph of this report states as follows:

"The Working Group Netherlands of the *Einsatzstab Reichsleiter Rosenberg* began its work in agreement with the competent representative of the Reichkommissar during the first days of September 1940. The execution of the post, conforming with the Fuehrer's orders, coordinated itself with the liquidation, that is confiscation, according to civil law, of the various subversive institutions—as set forth in the circulars of the OKW, dated 5 July 1940, and of the Chief of the OKW to the Commander in Chief of the *Wehrmacht* in France, dated 17 September 1940, as well as to the Commander in Chief of the OKW in the Netherlands, dated 30 October 1940. The screening of the material of the various Masonic lodges was taken care of primarily, and the library and the archives of the following lodges were sifted and all useful material was packed." (176-PS)

There follows the specification of some 92 Masonic IOOF Lodges and Rotary Clubs which were screened and yielded 470 cases of valuable objects. Also, a large number of libraries and scientific and cultural institutions were listed with the statement that all books and archives contained therein were being catalogued preparatory to shipment to Germany. (176-PS)

The report concludes with the following statement indicating close integration in the Netherlands between Rosenberg's program of grand larceny and Seyss-Inquart's anti-Jewish program, viz:

"The Working Group, in executing the afore-mentioned tasks, is bound strictly to the pace set by the Reichskommissar for the handling of the Jewish questions and that of the international organizations. This pace again is determined by the political evolution which is taking shape according to decisions made on a higher level, and which must not be hampered by individual acts." (176-PS)

Other documents captured from Rosenberg's files remove any doubt whatever as to Seyss-Inquart's full knowledge of the criminal activities of the *Einsatzstab Rosenberg* in Holland and his participation therein. On 11 September 1944 Rosenberg informed Seyss-Inquart by letter that orders had been issued for the seizure and transportation to Germany of the library of the Social Institute in Amsterdam. (091-PS; see also 1621-PS, a secret letter from Reichsfuehrer SS (Himmler) ordering SS Gen. Rauter in the Hague to seize medical apparatus at the Universities of Leyden and Utrecht with the aid of Seyss-Inquart.)

(f) *Conscription of civilian labor.* In his capacity as Reich Commissar for the occupied Netherlands territories Seyss-Inquart authorized and directed the deportation of vast numbers of Netherlands nationals to the Reich for forced labor in the instruments of German war production. These acts were all in violation of Articles 6 (b) and (c) of the Charter; Articles 6, 23h, 46, and 52 of the Hague Regulations, 1907 (3737-PS); and the Prisoner of War Convention, Geneva, 1929. (3738-PS)

The deportation program in the Netherlands was initiated on 20 June 1940, five weeks after the occupation of that country. The Germans at first deported only the unemployed, threatening them with curtailment of their dole for refusal. Thereafter in 1942 measures were taken to draft employed workmen. Dutch business concerns were combed in "Sauckel-actions" for available workers, who were forced to register at the labor offices. Workmen who refused were prosecuted by the SD, committed to one of the prisoners' camps in the Netherlands, and eventually put to work in Germany. By the end of April 1942 the program

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was in full operation, and not less than 22,000 workers were deported that month. Many Belgian concerns not considered essential were closed down to release manpower for deportation to Germany or for work in Dutch industries deemed essential to the German war effort. New measures of a drastic nature were inaugurated in the spring of 1943. All males between 18 and 35 were forced to register for "*arbeitseinsatz*" (war effort), which was synonymous with deportation. As time elapsed and the German military situation deteriorated, the measures taken became increasingly more ruthless. Whole sections of a town were lined off and people were seized in the streets or in their homes and transported to Germany. A total of approximately 431,500 Netherlands workers were deported to Germany and other foreign countries. (1726-PS)

Illustrative of the participation of Seyss-Inquart in the slave labor program are four proclamations which he caused to be issued, calling up Dutch civilians between certain ages for forced labor and threatening them with shooting in the case of non-compliance. (1162-PS)

Sauckel, General Plenipotentiary for the Employment of Labor, on 5 October 1945 disclosed, under oath, the part played by Seyss-Inquart in the forced recruitment of Dutch workers for German war production. The following is an excerpt from an interrogation of Sauckel:

"Q. For a moment I want to turn our attention to Holland. It is my understanding that the quotas for the workers for Holland were agreed upon, and then the numbers given to the Reichskommissar Seyss-Inquart to fulfill. Isn't that correct?

"A. Yes, that is correct.

"Q. After the quota was given to Seyss-Inquart, it was his mission to fulfill it with the aid of your representatives, was it not?

"A. Yes. This was the only possible thing for me to do and the same applied to the other countries." (3722-PS)

Seyss-Inquart has himself acknowledged under oath his active participation in deporting 250,000 Netherlands workmen between the ages of 17 and 42 toward the end of 1944, although he attempted to shift responsibility by stating that the order was issued by the *Wehrmacht* and that "I can't intervene against the *Wehrmacht*." However, he admitted:

"I didn't oppose it. I helped to carry it out in my province."

(*Transcript of Interrogation of Seyss-Inquart*, afternoon session, 18 September 1945, pp. 19-20.)

(g) *Murder and ill-treatment of civilian population, including killing of hostages.* Seyss-Inquart, in his capacity as Reich Commissar for the Occupied Netherlands Territory, authorized and directed the exaction of collective penalties, murder, and ill-treatment of the civilian population of the Netherlands, and the killing of hostages. All these actions constituted war crimes and crimes against humanity within the meaning of Article 6 (b) and (c) of the Charter, and violated (i) the Hague Regulations, 1907, Articles 46 and 50, (ii) the laws and customs of war, (iii) the general principles of criminal law as derived from the criminal laws of all civilized nations and (iv) the internal penal laws of Netherlands.

Public utterances of Seyss-Inquart reveal his determination to resort to ruthless measures for the purpose of intimidating and repressing the civilian population. In a speech commemorating the 10th Anniversary of Germany's coming into power, at Weert on 29 January 1943, before workers and trades of the NSDAP, he spoke in part as follows:

"I will give my instructions. They must be executed by all. In the present situation a refusal to execute such instructions could be regarded only as sabotage. It is also clear, now more than ever, that every resistance which is directed against this fight for existence must be suppressed. Some time ago the representatives of the churches had written to the Wehrmacht commander and to me, and they presented their conception against the execution of death sentences which the *Wehrmacht* commanders announced in the meantime. To this I can only say the following: The moment in which our men, fathers and sons with iron determination look towards their fate in the east and unflinchingly and steadfastly perform their highest pledge, it is unbearable to tolerate conspiracies whose goal is to weaken the rear of this eastern front. Whoever dares this must be annihilated. We must be severe and become even more severe against our opponents, this is the command of a relentless sequence of events, and for us perhaps humanly hard, but our holy duty. We remain human because we do not torture our opponents, we must remain firm by annihilating them." (3430-PS)

Endorsement of the policy of holding innocent persons responsible for the misconduct of others beyond their control is implicit in the following public statement of Seyss-Inquart made at Weert on 8 January 1945:

"I have given orders to suppress all appearances with a se-

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vereness corresponding to the brutality of the crime. If in connection with these measures Dutch citizens are affected and have to undergo difficulties and limitations of special nature, then they have to seek the cause therefor solely in these eruptions of the anarchistic mental attitude of a few culprits and the just-as-criminal-tolerance or apathy within their own circles." (3430-PS)

Evidence of Seyss-Inquart's application of this doctrine of vicarious responsibility is contained in a poster signed by him and warning the Dutch population to expect reprisals in the event of sabotage. The poster reads as follows:

"NOTICE

"I consider all inhabitants responsible for the destruction or damage to railroad installations, waterways with their installations, telephone cables and Post Offices occurring within the boundaries of their locality.

"The population of such localities may therefore expect reprisals in the form of seizure of property and destruction of houses or groups of houses.

"I therefore advise the population to protect the means of transportation and communications by means of patrols or other appropriate measures.

"The Hague 24 Sept 1944

"/s/ Seyss-Inquart

"The Reich Commissar for the
Occupied Netherlands Territories." (1163-PS)

Another poster issued by the Superior SS and Police Chief publicized with remarkable candor the fact that 12 Netherlands were executed "independent of further investigation" as reprisals for the killing of two Germans. That poster reads as follows:

"NOTICE

"The Superior SS and Police Chief gives notice that on 20 November 1944 Schutzgruppenmann Janssen and on 13 December 1944 the Senior Officer Candidate Guse were shot in the back by criminal Netherlands elements. Both were robbed of their pistols.

"Independent of further investigation of the perpetrators, two houses were blasted and 12 Netherlands were executed at the place of one of the crimes as reprisals.

"The Hague, 16 Dec 1944." (1163-PS)

In an interrogation under oath Seyss-Inquart has acknowledged that Netherlands were shot as hostages without trial. While he sought to shift responsibility to the SS he admitted that upon one

occasion the SS called on him to furnish 50 hostages and that he gave five instead, all of whom were shot. (*Transcript of Interrogation of Seyss-Inquart*, 18 September 1945, p. 20)

Other crimes against humanity are documented in the statement of the Dutch Government. The vastness of the scale of the commission of such crimes and the necessary notoriety thereof clearly implicate Seyss-Inquart as the responsible civil head of the German Government in the Netherlands territory. (1726-PS)

E. SEYSS-INQUART PARTICIPATED IN THE CONSPIRACY TO COMMIT CRIMES AGAINST HUMANITY AS SET FORTH IN THE INDICTMENT.

(1) Austria.

(a) *Persecution of the Jews.* While Seyss-Inquart was the Reich Governor of the Province of Austria, laws were issued against Jews and against those who opposed the Nazi Regime politically. As has been shown, this usually took the form of decrees providing for the sequestration and confiscation of the property of these so-called "enemies of the State."

In the early days of November 1938, pogroms against the Jews took place all over the German Reich, including Austria. These pogroms resulted from the killing of von Rath, a diplomatic official at the German Embassy in Paris, by a young Jew named Grynspan. Jewish synagogues, homes and shops were smashed and destroyed by fire. Large numbers of Jews were arrested, jailed, or placed in concentration camps. A partial report as to what occurred during the 9th and 10th of November 1938 is found in a letter written by the Reich Commissar for the Reunion of Austria with the German Reich, Josef Buerckel, to Goering, dated 18 November 1938. This report reveals that the fire department was not utilized to control the flames consuming Jewish homes, stores, shops, and synagogues. The school children in Vienna were given an opportunity to participate in the demonstration "according to the order." Buerckel's report also discloses that enormous quantities of valuables, jewelry, and merchandise were stolen from the Jews during these pogroms. (2237-PS)

A more detailed description of what happened in Vienna during the 9th and 10th of November 1938 is found in the stenographic report of a meeting on "The Jewish Question" under the Chairmanship of Goering (1816-PS). This meeting was held on 12 November 1938. It appears from this report that altogether 101 synagogues were destroyed by fire, 76 synagogues demolished, and 7,500 stores ruined in the Reich, including Austria. In this same

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meeting, a member of the official family of Seyss-Inquart (Reich Governor of the Province of Austria) related the efficiency with which the Civil Administration in Austria dealt with the so-called "Jewish Question." This official was Fischboeck, and in his verbal report to Goering he said:

"Your Excellency,

"In this matter we have already a very complete plan for Austria. There are 12,000 Jewish artisans and 5,000 Jewish retail shops in Vienna. Before the National Revolution, we had already a definite plan for tradesmen, regarding this total of 17,000 stores. Of the shops of the 12,000 artisans about 10,000 were to be closed indefinitely and 2,000 were to be kept open. 4,000 of the 5,000 retail stores should be closed and 1,000 should be kept open, that is, were to be Aryanized. According to this plan, between 3,000 and 3,500 of the total of 17,000 stores would be kept open, all others closed. This was decided following investigations in every single branch and according to local needs, in agreement with all competent authorities, and is ready for publication as soon as we receive the law which we requested in September; this law shall empower us to withdraw licenses from artisans quite independently from the Jewish Question." (1816-PS)

To this Goering replied:

"I shall have this decree issued today." (1816-PS)

The stenographic report of this meeting further reveals that the solution of the so-called "Jewish Problem" adopted in Austria by Seyss-Inquart and his official family was most efficient from the viewpoint of Nazi objectives. The plan adopted in Austria became a model for the entire Reich. (1816-PS)

A report of the Bureau of Statistics for the Provinces of Austria on the Jewish population in Vienna and in Austria, dated 15 December 1939, shows that after the Nazi conspirators assumed power in Austria, the Jewish population in that country decreased approximately 100,000. (1949-PS)

While the reasons for the decreases in the Jewish population of Austria would seem to be obvious, yet tangible evidence of at least one reason is provided by Seyss-Inquart himself in a letter written by him to Himmler, dated 4 November 1939. In substance Seyss-Inquart, while Deputy Governor General of the Polish Occupied Territory, stated that an official in Cracow had informed him that there was a plan to send Jews from Vienna to Poland, whereupon he gave instructions that such action should be carried

out only in cooperation with the SD and by the SD, since he would not permit wild-cat actions. (3398-PS)

(b) *Persecution on political grounds.* Seyss-Inquart has supplied evidence that the SS in Austria was responsible for the murder of Chancellor Dolfuss on 25 July 1934. (3425-PS)

Seyss-Inquart has also supplied evidence that his predecessor as Chancellor of Austria, von Schuschnigg, had been confined in a concentration camp after his forced resignation from office. (3254-PS)

(2) *Poland.* The manner in which Polish Jews were treated and given "special handling" by the Nazi conspirators, although a matter of common knowledge, was described in detail in the "Black Book of Poland." This document tells of the establishment of special reservations for the Jews as well as ghettos in various parts of Poland. The report also relates how the Jews were starved and exterminated in large numbers. A great portion of these crimes were committed in Poland by the Nazis while Seyss-Inquart occupied the position of Deputy Governor General of the Polish Occupied Territory. (2613-PS)

During the time that Seyss-Inquart held this high office in the Nazi government of Poland, a special decree was issued by Frank, dated 26 October 1939, which required compulsory labor for Jews domiciled in the General Government of Poland. The decree was to take effect immediately and the Jews were to be formed in forced labor groups. The execution of the decree was placed in the hands of the Higher SS and Police Leaders. (2613-PS)

(3) *The Netherlands.* Seyss-Inquart, in his capacity as Reich Commissar of the occupied Dutch territory, bears full individual responsibility for the execution in the Netherlands of the Nazi program of persecution of Jews. Acts against the Jews authorized, directed, or condoned by Seyss-Inquart, which constitute war crimes and crimes against humanity as defined in Article 6 (b) and (c) of the Charter, included: stigmatization; disfranchisement; denial of civil rights, personal liberty, and economic freedom; religious and cultural persecution; use of organized "spontaneous violence" against persons and property of Jews; ghettoization; starvation; enforced labor; enslavement; mass deportation, and annihilation.

The intentions of Seyss-Inquart with respect to treatment of the Jews is a matter of record. In a speech before a gathering of all workers and trades of the NSDAP at Amsterdam on 13 March 1941 he left no doubt as to where he stood on the Jewish question.

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He said:

"The Jews are the enemy of national socialism and the national socialistic Reich. From the moment of their emancipation, their methods were directed to the annihilation of the common and moral worth of the German people and to replace national and responsible ideology with international nihilism. The fatal meaning of Judaism became completely clear to the German people during the years of the world war. It was really they, who stuck the knife in the back of the German army which broke the resistance of the Germans, and in the year 1918, it was they who wanted to dissolve and decompose all national tradition and also moral and religious beliefs of the German people. The Jews for us are not Dutchmen. They are those enemies with whom we can neither come to an armistice nor to peace. This applies here, if you wish, for the duration of the occupation. Do not expect an order from me which stipulates this, except regulations concerning police matters. We will beat the Jews wherever we meet them, and those who join them must bear the consequences. The Fuehrer declared that the Jews have played their final act in Europe, and therefore they played their final act." (3430-PS)

Following his assumption of office in the Netherlands on 29 May 1940, Seyss-Inquart, pursuant to the authority vested in him as Reich Commissar of the Netherlands by the Fuehrer decree of 18 May 1940, systematically promulgated decrees designed to implement the Nazi program of persecution and elimination of Jews. He promulgated a law which prohibited the Jewish ritual slaughter of animals in the Netherlands Occupied Territories, thus making it impossible for devout orthodox Jews to live in accordance with their religious dietary laws. (2705-PS)

Other anti-Semitic decrees of a like nature, all of which were signed by Seyss-Inquart and published in the *Verordnungsblatt fuer die besetzten niederlandischen Gebiete* (VOBL), may be summarized as follows:

<i>Publication Date and No. of VOBL</i>	<i>Summary of Subject Matter</i>
3333-PS, <i>Verordnungsblatt</i> , No. 33, p. 546, 26 Oct 1940.	Order to register all businesses belonging to Jews, joint stock corporations including either one Jewish partner or one Jewish member in their Board of Directors, or those of which more than 25% of the capital stock belong to Jews or those in which half of all votes are

to be exercised by Jews, or in general, businesses which in fact are placed under predominatingly Jewish influence. Section 4 defines the quality of a Jew. Property situated abroad is to be embodied in the declaration of registration. Failure wilfully of declaration is punished by imprisonment not exceeding 5 years and by a fine not exceeding 100,000 guilders or either of these penalties, while the same due to negligence entails an imprisonment not exceeding one year or a fine not exceeding 10,000 florins; in addition confiscation of the property concerned may be ordered.

3334-PS, *Verordnungsblatt*, No. 42, p. 701, 27 Dec 1940.

Prohibition to employ German citizens or persons of cognate blood in Jewish households under a penalty not exceeding one year imprisonment and a fine of 10,000 guilders or either of these penalties.

3323-PS, *Verordnungsblatt*, No. 6, p. 19, 13 Jan 1941.

Registration of all persons of part or full Jewish blood.

Sec. 2 defines as a Jew any person one of whose grandparents was a full-blooded Jew. Any grandparent who belonged or belongs to the Jewish religious community is considered as such. Failure to register entails an imprisonment not exceeding 5 years and the confiscation of property (Sec. 10).

3325-PS, *Verordnungsblatt*, No. 6, p. 99, 14 Feb 1941.

Limitation of registration of Jewish students in Dutch universities and colleges.

2112-PS, *Verordnungsblatt*, No. 34, p. 655, 16 Aug 1941.

Obligation to register real estate, mortgages and real property belonging to Jews, other than farming estates and lands regulated by a previous ordinance. Power granted to the Dutch administration of real property to take over directly or through persons appointed for the purpose, the manage-

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3326-PS, *Verordnungsblatt*, No. 39, p. 785, 20 Sept 1941.

3334-PS, *Verordnungsblatt*, No. 44, p. 846, 23 Oct 1941.

3328-PS, *Verordnungsblatt*, No. 44, p. 841, 23 Oct 1941.

3329-PS, *Verordnungsblatt*, No. 47, p. 901, 25 Nov 1941.

ment of Jewish real property, with the right to alienate it in part or in whole.

Freezing of property belonging to Jews who have emigrated from Holland which is located in Holland.

Prohibitions to employ a non-Jew in households headed by a Jew or where a Jew is a member of the family, whether permanently or temporarily but for an unbroken term of more than four weeks. Any contract contrary to this provision is inoperative. Penalties for the employer: imprisonment up to one year and a fine up to 10,000 florins.

No Jew can exercise any profession and trade without authorization from the administrative authorities which may refuse it or set up special conditions for its exercise. Administrative authorities may order the determination or the liquidation of any employment contract concerning a Jew. Any employer may terminate a contract with a Jew by giving notice on the first day of any calendar month if the general legal provisions of the contract provide for a longer term of notice, or if the contract is to expire normally at a date after 31 Jan 1942. An indemnity ranging from one to six times the monthly salary of the dismissed Jew may be, under certain circumstances, allocated as a settlement of all claims against the employer.

Exclusion of Jews from Dutch Chamber of Arts in which membership is compulsory for all those active in the field of sculpture, architecture, artisan arts, music, literature, theater, film industry and the press. Prohibition for a Jew or a person related to a Jew to be a member of an association affiliated

with the Chamber of Arts, to found or to take part in the foundation of such an association or to establish a foundation or to take part in its establishment or to benefit directly or indirectly from its property where such associations or foundations are affiliated with the Chamber of Arts. Penalty: not exceeding 5,000 florins.

3325-PS, *Verordnungsblatt*, No. 11, p. 211, 1 May 1942.

Exclusion of Jews from the Dutch *Arbeitsfront* (N.A.F.).

3336-PS, *Verordnungsblatt*, No. 13, p. 289, 23 May 1942.

Compulsory written declaration by Jews of claims of any kind of which they are beneficiaries to be made at banking firm Lippman, Rosenthal & Co., Amsterdam. Titles and other documents proving the claims are to be delivered to the bank at the time of the declaration, all rights to such claims being vested in the above mentioned bank. The debtor can liberate himself only in the hands of the bank and by so doing is released. The declaration embodies also rights on property or chattels real, participations as in corporations and partnerships; reversions, expectancies.

Collections of all kinds of art objects, art articles, articles of gold, platinum, silver, as well as polished or rough diamonds, semi-precious stones and pearls, belonging in part or in whole, legally or "economically" to a Jew, must be delivered to said bank, with exception of wedding rings and those of a deceased husband, silver watches, used table silver, provided that each person belonging to the family of the owner may keep only a cover consisting of 4 pieces, a knife, a fork, a spoon and a dessert spoon; teeth-fillings of precious metals.

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A full recapitulation of the crimes perpetrated against the Jews by the German civil occupation authorities through the instrumentality of orders, decrees, and laws is contained in the statement of the Netherlands Government Commissioner for Repatriation. (1726-PS)

The above statement is also evidence of the fact that in February 1941 the first mass deportation of Jews from the Netherlands took place. On that occasion 1000 Jews were arrested and within a few months sent to Buchenwald and/or Mauthausen. Subsequently their ashes were returned to their relatives in Holland, against a payment of 75 florins for each. Deportation continued until September 1943, when the last of the Jews composed of the Jewish Council were sent to Westerbork (Holland). Of 140,000 registered "full" Jewish Netherlands, 117,000 were deported to the East. (1726-PS)

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20. CONSTANTIN VON NEURATH

A. POSITIONS AND HONORS HELD BY VON NEURATH.

He was a member of the Nazi Party from 30 January 1937 until 1945, and was awarded the Golden Party Badge on 30 January 1937.

He was General in the SS. He was personally appointed *Gruppenfuehrer* by Hitler in September 1937, and was promoted to *Obergruppenfuehrer* on 21 June 1943.

He was Reich Minister of Foreign Affairs under the Chancellorship of von Papen from 2 June 1932, and under the Chancellorship of Hitler from 30 January 1933 until he was replaced by von Ribbentrop on 4 February 1938.

He was Reich Minister from 4 February 1938 until May 1945.

He was President of the Secret Cabinet Council, to which he was appointed on 4 February 1938.

He was a member of the Reich Defense Council.

He was Reichs Protector for Bohemia and Moravia from 18 March 1939 until he was replaced by Frick on 25 August 1943.

He was awarded the *Adlerorden* by Hitler at the time of his appointment as Reich Protector. Ribbentrop was the only other German to receive this decoration.

These facts are collected in a document signed by von Neurath and his counsel (2972-PS). Von Neurath comments on certain of these matters. He says that the award of the Golden Party Badge was made on 30 January 1937 against his will and without his being asked. Yet he not only refrained from repudiating

the allegedly unwanted honor, but after receiving it attended meetings at which wars of aggression were planned, actively participated in the forcible annexation of Austria, and tyrannized over Bohemia and Moravia.

He also contends that his appointment as SS *Gruppenfuehrer* was also against his will and without his being asked. But in this connection, his wearing of the SS uniform, his receipt of the further promotion to *Obergruppenfuehrer*, and the actions against Bohemia and Moravia must be considered. In addition, von Neurath says that his appointment as Foreign Minister was by Reich-president von Hindenburg. Yet President von Hindenburg died in 1934, and von Neurath continued as Foreign Minister until 1938, under the chancellorship first of von Papen and then of Hitler. He further claims that he was an inactive Minister from 4 February 1938 until May 1945. His activities in this connection will be mentioned below, particularly with regard to Bohemia and Moravia.

Von Neurath next alleges that the Secret Cabinet Council never sat or conferred. This Council, of which von Neurath was president, has been authoritatively described as a select committee of the Cabinet for the deliberation of foreign affairs, directly subordinated to the Fuehrer for counsel and assistance (1774-PS):

"A Privy Cabinet Council, to advise the Fuehrer in the basic problems of foreign policy, has been created by the decree of 4 February 1938 * * * This Privy Cabinet Council is under the direction of Reich-Minister v. Neurath, and includes the Foreign Minister, the Air Minister, the Deputy Commander for the Fuehrer, the Propaganda Minister, the Chief of the Reich-Chancellery, the Commanders-in-Chief of the Army and Navy and the Chief of the Supreme Command of the Armed Forces. The Privy Cabinet Council constitutes a select staff of collaborators of the Fuehrer which consists exclusively of members of the Government of the Reich; thus, it represents a select committee of the Reich Government for the deliberation on foreign affairs." (1774-PS)

The formal composition of this body is shown in 2031-PS. Von Neurath held himself out as a member of this body by communicating with the British Ambassador on Secret Cabinet Council stationery. (3287-PS)

Von Neurath, finally, objects that he was not a member of the Reich Defense Council. This Council was set up soon after Hitler's accession to power, on 4 April 1933 (2261-PS). In an affidavit by Frick (2986-PS), this Council is described as follows:

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"* * * We were also members of the Reich Defense Council, which was supposed to plan preparations in case of war which later on were published by the Ministerial Council for the Defense of the Reich." (2986-PS)

The membership of this Council included the Minister for Foreign Affairs, who was then von Neurath. This is shown by a document giving the composition of the Reich Defense Council, and including among permanent members the Minister for Foreign Affairs (EC-177). That document is dated "Berlin, 22 May 1933," which was during von Neurath's tenure of that office.

The functioning of the Reich Defense Council, with a representative of von Neurath's ministry, von Beulow, present, is shown by the minutes of the 12th meeting on 14 May 1936 (EC-407). Under the secret law of 4 September 1938 von Neurath was a member of the Reich Defense Council by virtue of his presidency of the Secret Cabinet Council. This fact is shown by the enclosure of a copy of that law in a letter addressed to von Neurath as Reich Protector for Bohemia and Moravia on 6 September 1939 (2194-PS). It is curious that the Reich Protector for Bohemia and Moravia denies his membership in the Council when the letter enclosing the law is one addressed to him. This law describes the tasks of the Council as follows:

"The task of the Reich Defense Council consists, in peacetime, of the decision on all measures for the preparation of Reich defense, and the gathering together of all forces and means of the nation according to the directions of the Leaders and Reich Chancellor. The tasks of the Council in wartime will be especially determined by the Leader and Reich Chancellor." (2194-PS)

The law also lists the permanent members of the Council, and the seventh one is the President of the Secret Cabinet Council, who was von Neurath.

B. VON NEURATH'S PART, AS FOREIGN MINISTER, IN THE CONSPIRACY FOR THE BREACH OF TREATY OBLIGATIONS.

In assuming the position of Minister of Foreign Affairs in Hitler's Cabinet, von Neurath assumed charge of a foreign policy committed to breach of treaties.

The Nazi Party had repeatedly and for many years made known its intention to overthrow Germany's international commitments, even at the risk of war. Sections 1 and 2 of the Party Program (1708-PS), which was published year after year, declared:

"1. We demand the unification of all Germans in the Greater Germany on the basis of the right of self-determination of peoples.

"2. We demand equality of rights for the German people in respect to the other nations; abrogation of the peace treaties of Versailles and St. Germain." (1708-PS)

An even clearer statement of these goals is contained in Hitler's speech at Munich on 15 March 1939, in which he said:

"My foreign policy had identical aims. My program was to abolish the Treaty of Versailles. It is futile nonsense for the rest of the world to pretend today that I did not reveal this program until 1933 or 1935 or 1937. Instead of listening to this foolish chatter of emigres, these gentlemen would have been wiser to read what I have written thousands of times." (2771-PS)

If it is "futile nonsense" for foreigners to raise that point, it would be still more futile for Hitler's Foreign Minister to suggest that he was ignorant of the aggressive designs of Nazi policy. The acceptance of force as a means of solving international problems and achieving the objectives of Hitler's foreign policy must have been known to anyone as closely in touch with Hitler as was von Neurath. This doctrine, for example, is constantly reiterated in *Mein Kampf* (D-660). (See Section 6 of Chapter IX on Aggression as a Basic Nazi Idea.)

Hence, by the acceptance and implementation of this foreign policy, von Neurath assisted and promoted the realization of the illegal aims of the Nazi Party.

C. VON NEURATH'S PART, AS FOREIGN MINISTER, IN THE CONSPIRACY TO CONSOLIDATE NAZI CONTROL OVER GERMANY IN PREPARATION FOR AGGRESSIVE WAR.

In his capacity as Minister of Foreign Affairs von Neurath directed the international aspects of the first phase of the Nazi conspiracy, the consolidation of control in preparation for war.

From his close connection with Hitler von Neurath must have known the cardinal points of Hitler's policy leading up to the outbreak of World War II, as outlined in retrospect by Hitler in his speech to his military leaders on 23 November 1939 (789-PS). This policy had two facets: internally, the establishment of rigid control; externally, the program to release Germany from its international commitments. The external program had four points:

1. Secession from the disarmament conference;

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2. The order to re-arm Germany;
3. The introduction of compulsory military service; and
4. The remilitarization of the Rhineland.

These points were set out in Hitler's address of 23 November 1939, after the invasion of Poland:

" * * * I had to reorganize everything beginning with the mass of the people and extending it to the armed forces. First, reorganization of the interior, abolishment of appearance of decay and defeatist ideas, education to heroism. While reorganizing the interior, I undertook the second task, to release Germany from its international ties. Two particular characteristics are to be pointed out: secession from the League of Nations and denunciation of the disarmament conference. It was a hard decision. The number of prophets who predicted that it would lead to the occupation of the Rhineland was large, the number of believers was very small. I was supported by the nation, which stood firmly behind me, when I carried out my intentions. After that, the order for rearmament. Here again there were numerous prophets who predicted misfortunes, and only a few believers. In 1935 the introduction of compulsory armed service. After that, militarization of the Rhineland, again a process believed to be impossible at that time. The number of people who would trust in me were very small. Then the beginning of the fortification of the whole country, especially in the West." (789-PS)

Hitler thus summarized his pre-war foreign policy in four points. Von Neurath participated directly and personally in accomplishing each of these four points, at the same time officially proclaiming that these measures did not constitute steps toward aggression. The first is a matter of history. When Germany left the disarmament conference von Neurath sent telegrams, dated 14th October 1933, to the President of the Conference announcing Germany's withdrawal (Documents of German Politics, 1933, vol. I, p. 94). Similarly, von Neurath made the announcement of Germany's withdrawal from the League of Nations on 21 October 1933. (Documents of German Politics, 1933, vol. I). At the same time, the German government was undertaking far-reaching military preparation (C-140; C-153).

The second point regarding German rearmament: When von Neurath was Foreign Minister, on 10 March 1935, the German Government officially announced the establishment of the German air force (TC-44). On 21 May 1935, Hitler announced a purported unilateral repudiation of the Naval, Military, and Air

clauses of the Treaty of Versailles and the Treaty for the Restoration of Friendly Relations with the United States (2288-PS). On the same day the Reich Cabinet, of which von Neurath was a member, enacted the secret Reich Defense Law creating the office of Plenipotentiary General for War Economy (2261-PS), afterwards described by the *Wehrmacht* armament expert as "the cornerstone of German rearmament" (2353-PS):

"The latter orders were decreed in the Reich defense law of 21 May 1935, which was supposed to be published only in case of war, and was already declared valid for carrying out war preparations. As this law fixed the duties of the armed forces and the other Reich authorities in case of war, it was also the fundamental ruling for the development and activity of the war economy organization." (2353-PS)

The third point is the introduction of compulsory military service. On 16 March 1935 von Neurath signed the law for the organization of the armed forces, which provided for universal military service and anticipated a vastly expanded German army (*Reichsgesetzblatt*, 1935, I, p. 369) (1654-PS). This was described by Keitel as the real start of the large-scale rearmament program which followed.

The fourth point was the remilitarization of the Rhineland. The Rhineland was reoccupied on 7 March 1936. This action was announced by Hitler (2289-PS), who had also previously given the order for "Operation Schulung," directing the military action which was to be taken if necessary (C-139). These were acts for which von Neurath shared responsibility from his position and from the steps which he took. Some time later he summed up his views on the actions detailed above in a speech to Germans abroad, on 29 August 1937:

"The unity of the racial and national will created through Nazism with unprecedented elan has made possible a foreign policy through which the bonds of the Versailles Treaty were slashed, freedom to arm regained, and the sovereignty of the whole nation reestablished. We have again become master in our own home, and we have produced the means of power to remain henceforth that way for all times. The world should notice from Hitler's deeds and words that his aims are not aggressive war." (D-449)

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D. VON NEURATH'S PART, AS FOREIGN MINISTER AND ADVISOR TO THE FUEHRER, IN THE PLANNING OF WARS OF AGGRESSION.

Both as Minister of Foreign Affairs and as one of the inner circle of the Fuehrer's advisors on foreign political matters, von Neurath participated in the political planning and preparation for acts of aggression against Austria, Czechoslovakia, and other nations.

(1) *The von Neurath technique.* If von Neurath's policy may be described in a sentence it may be summarized as breaking one treaty only at a time. He himself put it slightly more pompously but to the same effect in a speech before the Academy of German Law on 30 October 1937:

" * * * Out of the acknowledgment of these elementary facts the Reich Cabinet has always interceded in favor of treating every concrete international problem within methods especially suited for it, not to complicate it unnecessarily by amalgamation with other problems, and as long as problems between only two powers are concerned to choose the way for an immediate understanding between these two powers. We are in a position to state that this method has fully proved itself good not only in the German interest, but also in the general interest." (D-471)

The only countries whose interests von Neurath failed to mention in that speech are the other parties to the various treaties that were dealt with in that way. The working out of that policy can be seen from a brief summary of the actions of von Neurath when he was Foreign Minister, and those of his immediate successor when von Neurath still purported to have influence.

In 1935 action was directed against the Western Powers, in the form of the rearmament of Germany. When that was going on another country had to be reassured. At that time it was Austria, which still had—up to 1935—the support of Italy. Hence, the fraudulent and clearly false assurance, the essence of the technique in that case, given by Hitler, on 21 May 1935. (TC-26)

Then, in 1936, action was again taken against the Western Powers in the occupation of the Rhineland. Another fraudulent assurance was made to Austria in the Treaty of 11 July of that year, (TC-22) the deceitful nature of which is shown by letters from von Papen. (2246-PS; 2247-PS)

Then, in 1937 and 1938, the Nazis moved on a step and action was directed against Austria. That action was absorption, finally planned, at the latest, at the meeting on 5 November 1937 (386-

PS). The action was taken on 11 March 1938. Reassurance had to be given to the Western Powers; hence the assurance to Belgium on 13 October 1937. (TC-34)

Less than a year later the object of the aggressive action was Czechoslovakia. The Sudetenland was obtained in September 1938, and the whole of Bohemia and Moravia was absorbed on 15 March 1939. At that time it was necessary to reassure Poland; so an assurance to Poland was given by Hitler on 20 February 1938 (2357-PS), and repeated up to 26 September 1938 (2358-PS). The falsity of that assurance is shown in Section 8 of Chapter IX on Aggression Against Poland.

Finally, when the Nazis decided to take action for the conquest of Poland in the next year, assurance had to be given to Russia. Hence, a non-aggression pact was entered into with the U. S. S. R. on 23 August 1939. (TC-25)

With regard to the foregoing summary, the Latin tag, *res ipsa loquitur* is apposite. But a frank statement from von Neurath with regard to the earlier part of it is found in the account of his conversation with the United States Ambassador, Mr. Bullitt, on 18 May 1936 (L-150):

"Von Neurath said that it was the policy of the German Government to do nothing active in foreign affairs until 'the Rhineland had been digested.' He explained that he meant that, until the German fortifications had been constructed on the French and Belgian frontiers, the German Government would do everything possible to prevent rather than encourage an outbreak by the Nazis in Austria and would pursue a quiet line with regard to Czechoslovakia. 'As soon as our fortifications are constructed and the countries of Central Europe realize that France cannot enter German territory at will, all those countries will begin to feel very differently about their foreign policies and a new constellation will develop,' he said." (L-150)

The conversation between von Papen as Ambassador and Mr. Messersmith is much to the same effect. (1760-PS)

(2) *Austria*. At the time of the aggression against Austria von Neurath was Foreign Minister. This included the preliminary stages, during the early Nazi plottings against Austria in 1934. In this period occurred the Nazi murder of Chancellor Dolfuss and the ancillary acts which were afterwards so strongly approved by the German Government. (See Section 3 of Chapter IX on Aggression Against Austria.) Von Neurath was also Foreign Minister when the false assurance was given to Austria on

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21 May 1935 (TC-26) and the fraudulent treaty was made on 11 July 1936 (TC-22). And von Neurath was Foreign Minister when his ambassador to Austria, von Papen, was carrying on his subterranean intrigue in the period from 1935 to 1937. (2247-PS; 2246-PS)

Von Neurath was present when Hitler declared, in a highly confidential circle, on 5 November 1937, that the German question could only be solved by force, and that his plans were to conquer Austria and Czechoslovakia (386-PS). Hitler expressed his designs on Austria as follows:

"* * * For the improvement of our military political position, it must be our first aim in every case of entanglement by war to conquer Czechoslovakia and Austria simultaneously, in order to remove any threat from the flanks in case of a possible advance westwards." (386-PS)

It is impossible for von Neurath, after that meeting, to say that he was not acting except with his eyes completely open and with complete comprehension as to what was intended.

During the *Anschluss* von Neurath received a note from the British Ambassador dated 11 March 1938 (3045-PS). In reply von Neurath uttered two obvious untruths. The first:

"* * * It is untrue that the Reich used forceful pressure to bring about this development, especially the assertion, which was spread later by the former Chancellor Schuschnigg, that the German Government had presented the Federal President with a conditional ultimatum. It is a pure invention." (3287-PS)

According to the German ultimatum, Schuschnigg had to appoint a proposed candidate as Chancellor and form a Cabinet conforming to the proposals of the German Government. Otherwise the invasion of Austria by German troops was held in prospect. (See Section 3 of Chapter IX on Aggression Against Austria.) The second untruth:

"The truth of the matter is that the question of sending military or police forces from the Reich was only brought up when the newly formed Austrian Cabinet addressed a telegram, already published by the press, to the German Government, urgently asking for the dispatch of German troops as soon as possible, in order to restore peace and order and to avoid bloodshed. Faced with the immediately threatening danger of a bloody civil war in Austria the German Government then decided to comply with the appeal addressed to it." (3287-PS)

(As to the inspired nature of the Austrian telegram, see Section 3 of Chapter IX on Aggression Against Austria.)

All that can be said is that it must have given von Neurath a certain macabre sort of humor to write that note (3287-PS) when the truth was the opposite, as shown by the report of Gauleiter Rainer to Buerckel (812-PS), the transcripts of Goering's telephone conversations with Austria (2949-PS), and the entries in Jodl's diary for 11, 13, and 14 February. (1780-PS)

According to Jodl's diary—the entry for 10 March:

“At 13.00 hours General Keitel informs Chief of Operational Staff and Admiral Canaris. Ribbentrop is being detained in London. Neurath takes over the Foreign Office.”
(1780-PS)

It is inconceivable when von Neurath had taken over the Foreign Office, was dealing with the matter and was co-operating with Goering to suit the susceptibilities of the Czechs, that he should have been so ignorant of the truth of events as to write that letter (3287-PS) in good faith.

Von Neurath's position is shown equally clearly by the account which is given of him in the affidavit of Messersmith (2385-PS). Von Neurath's style of activity at this crisis is described as follows:

“I should emphasize here in this statement that the men who made these promises were not only the dyed-in-the-wool Nazis, but more conservative Germans who already had begun to willingly lend themselves to the Nazi program.

“In an official dispatch to the Department of State from Vienna, dated October 10, 1935, I wrote as follows:

“‘Europe will not get away from the myth that Neurath, Papen, and Mackensen are not dangerous people and that they are diplomats of the old school. They are in fact servile instruments of the regime, and just because the outside world looks upon them as harmless they are able to work more effectively. They are able to sow discord just because they propagate the myth that they are not in sympathy with the regime.’” (2385-PS)

(3) *Czechoslovakia*. At the time of the occupation of Austria, von Neurath gave the assurance to M. Mastny, the Ambassador of Czechoslovakia to Berlin, regarding the continued independence of Czechoslovakia (TC-27). M. Jan Masaryk, Czechoslovakian Foreign Minister, describes the circumstances as follows:

“I have in consequence been instructed by my Government to bring to the official knowledge of His Majesty's Govern-

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ment the following facts: Yesterday evening (the 11th March) Field-Marshal Goering made two separate statements to M. Mastny, the Czechoslovak Minister in Berlin, assuring him that the developments in Austria will in no way have any detrimental influence on the relations between the German Reich and Czechoslovakia, and emphasizing the continued earnest endeavor on the part of Germany to improve those mutual relations."

* * * * *

"M. Mastny was in a position to give him [Goering] definite and binding assurances on this subject [Czech mobilization] and today spoke with Baron von Neurath, who, among other things, assured him on behalf of Herr Hitler that Germany still considers herself bound by the German-Czechoslovak Arbitration Convention concluded at Locarno in October 1925." (TC-27)

In view of von Neurath's presence at the meeting on 5 November 1937, four months previously, where he had heard Hitler's views on Czechoslovakia (386-PS), and that it was only six months before the treaty was disregarded, von Neurath's assurance is an excellent example of the technique of diplomacy developed by von Neurath.

On 28 May 1938 Hitler held a conference of important leaders, including Beck, von Brauchitsch, Raeder, Keitel, Goering, and Ribbentrop, at which Hitler affirmed that preparations should be made for military action against Czechoslovakia by October (388-PS; 2360-PS). It is believed, although not confirmed, that von Neurath attended.

On 4 September 1938 the Government of which von Neurath was a member enacted a new Secret Reich Defense Law which defined various official responsibilities, in clear anticipation of war. This law provided, as did the previous Secret Reich Defense Law, for a Reich Defense Council as a supreme policy board for war preparations (2194-PS). Then came the Munich agreement of 29 September 1938, in spite of which, on 14 March 1939, German troops marched into Czechoslovakia. (TC-50)

On 16 March 1939 the German Government, of which von Neurath was still a member, promulgated the Decree of the Fuehrer and Reich Chancellor on the Establishment of the Protectorate of Bohemia and Moravia. (TC-51) During the following week, von Ribbentrop signed a treaty with Slovakia (1439-PS), Article 2 of which reads as follows:

"For the purpose of making effective the protection undertaken by the German Reich, the German armed forces shall

have the right at all times to construct military installations and to keep them garrisoned in the strength they deem necessary, in an area delimited on its western side by the frontiers of the State of Slovakia, and on its eastern side by a line formed by the eastern rims of the Lower Carpathians, the White Carpathians, and the Javornik Mountains.

"The Government of Slovakia will take the necessary steps to assure that the land required for these installations shall be conveyed to the German armed forces. Furthermore, the Government of Slovakia will agree to grant exemption from custom duties for imports from the Reich for the maintenance of the German troops and the supply of military installations." (1439-PS)

The ultimate objective of Hitler's policies, disclosed at the meeting at which von Neurath was present on 5 November 1937 (386-PS), is obvious from the terms of this treaty. It was the resumption of the *drang* for *lebensraum* in the East.

E. VON NEURATH'S PART, AS PROTECTOR FOR BOHEMIA AND MORAVIA, IN THE CONSPIRACY TO COMMIT WAR CRIMES AND CRIMES AGAINST HUMANITY.

By accepting and occupying the position of Reich Protector of Bohemia and Moravia, von Neurath personally adhered to the aggression against Czechoslovakia. As Protector he further actively participated in the conspiracy for world aggression, and assumed a position of leadership in the execution of policies involving violations of the laws of war and the commission of crimes against humanity.

Von Neurath's responsibility for these crimes derives from the legal position which he assumed. Von Neurath assumed the position of Protector under a sweeping grant of powers. Article V of the act creating the Protectorate provided:

"1. As trustee of Reich interests, the Leader and Chancellor of the Reich shall nominate a Reich Protector in Bohemia and Moravia. His seat of office will be Prague.

"2. The Reich Protector, as representative of the Leader and Chancellor of the Reich and as Commissioner of the Reich Government, is charged with the duty of seeing to the observance of the political principles laid down by the Leader and Chancellor of the Reich.

"3. The members of the Government of the Protectorate shall be confirmed by the Reich Protector. The confirmation may be withdrawn.

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"4. The Reich Protector is entitled to inform himself of all measures taken by the Government of the protectorate and to give advice. He can object to measures calculated to harm the Reich and, in case of danger, issue ordinances required for the common interest.

"5. The promulgation of laws, ordinances and other legal announcements and the execution of administrative measures and legal judgments shall be annulled if the Reich Protector enters an objection." (2119-PS)

At the very outset of the Protectorate, von Neurath's supreme authority was implemented by a series of basic decrees. These established the alleged legal foundation for the policy and program which resulted, all aimed toward the systematic destruction of the national integrity of the Czechs. Among these decrees were:

(1) The decree granting "Racial Germans" in Czechoslovakia a supreme order of citizenship (2119-PS);

(2) An act concerning the representation in the Reichstag of Greater Germany of German Nationals Resident in the Protectorate (13 April 1939);

(3) An order concerning the acquisition of German citizenship by former Czechoslovakian citizens of German origin (20 April 1939).

Another series of decrees granted "Racial Germans" in Czechoslovakia a preferred status at law and in the courts:

(1) An order concerning the Exercise of Criminal Jurisdiction in the Protectorate of Bohemia and Moravia (14 April 1939);

(2) An order concerning the Exercise of Jurisdiction in Civil Proceedings (14 April 1939);

(3) An order concerning the Exercise of Military Jurisdiction (8 May 1939).

The Ordinance on Legislation in the Protectorate (7 June 1939) also granted to the Protector broad powers to change by decree the autonomous law of the Protectorate.

Finally, the Protector was authorized, with the Reich Leader SS and the Chief of the German Police (Himmler) "to take, if necessary, such (police) measures which go beyond the limits usually valid for police measures." It is difficult to imagine what can be police measures "beyond the limits usually valid for police measures" in view of the police measures in Germany between 1933 and 1939. (See Section 4 of Chapter VII on Purge of Political Opponents and Section 6 of Chapter XV on the Gestapo and SD.) But presumably such increase was believed to be pos-

sible, and was given to von Neurath to use for coercion of the Czechs.

The declared basic policy of the Protectorate was to destroy the identity of the Czechs as a nation and to absorb their territory into the Reich. This is borne out by a memorandum signed by Lt. Gen. of Infantry Frederici (862-PS), which is headed "The Deputy General of the Armed Forces with the Reich Protector in Bohemia and Moravia". It is marked Top Secret and dated 15 October 1940. That was practically a year before von Neurath went on leave, as he puts it, on 27 September 1941. The memorandum discusses "Basic Political Principles in the Protectorate," and copies went to Keitel and Jodl. The memorandum states:

"On 9 October of this year [1940] the office of the Reich protector held an official conference in which State Secretary SS Lt. General K. H. Frank spoke about the following:

"Since creation of the Protectorate of Bohemia and Moravia, party agencies, industrial circles, as well as agencies of the central authorities of Berlin, have had difficulties about the solution of the Czech problem.

"After ample deliberation, the Reich Protector expressed his view about the various plans in a memorandum. In this, three ways of solution were indicated:

"A. German infiltration of Moravia and *reduction of the Czech nationality to a residual Bohemia*.

"This solution is considered as unsatisfactory, because the Czech problem, even if in a diminished form, will continue to exist.

"B. Many arguments can be brought up against the most radical solution, namely, the deportation of all Czechs. Therefore the memorandum comes to the conclusion that it can not be carried out within a reasonable space of time.

"C. Assimilation of the Czechs, i.e. absorption of about half of the Czech nationality by the Germans, insofar as this is of importance by being valuable from a racial or other standpoint. This will take place among other things, also by increasing the *Arbeitseinsatz* of the Czechs in the Reich territory, with the exception of the Sudeten German border district; in other words, by dispersing the closed Czech nationality. The other half of the Czech nationality must be deprived of its power, eliminated and shipped out of the country by all sorts of methods. This applies particularly to the racially mongoloid part, and to the major part of the intellectual class. The latter can scarcely be converted ideologi-

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cally, and would represent a burden by constantly making claims for leadership over the other Czech classes, and thus interfering with a rapid assimilation.

"Elements which counteract the planned Germanization are to be handled roughly and should be eliminated.

"The above development naturally presupposes an increased influx of Germans from the Reich territory into the Protectorate.

"After a discussion, the Fuehrer has chosen Solution C (assimilation) as a directive for the solution of the Czech problem, and decided that, while keeping up the autonomy of the Protectorate on the surface, the Germanization will have to be carried out in a centralized way by the office of the Reich Protector for years to come. From the above no particular conclusions are drawn by the Armed Forces. This is the direction which has always been represented from here.

"In this connection, I refer to my memorandum which was sent to the Chief of the Supreme Command of the Armed Forces, dated 12 July 1939, entitled 'The Czech Problem'."
(862-PS)

That view of the Reich Protector was accepted and formed a basis of his policy. The result was a program of consolidating German control over Bohemia and Moravia by the systematic oppression of the Czechs through the abolishment of civil liberties, and the systematic undermining of the native political, economic, and cultural structure by a regime of terror. The only protection given by von Neurath was a protection to the perpetrators of innumerable crimes against the Czechs. (Proof of this aspect of von Neurath's responsibility was left for development by the Soviet prosecuting staff.)

F. CONCLUSION.

Von Neurath received many honors and rewards as his worth. It even appears that Hitler showered more honors on von Neurath than on some of the leading Nazis who had been with the Party since the very beginning. His appointments as President of the newly created Secret Cabinet Council in 1938 was in itself a new and singular distinction. On 22 September 1940 Hitler awarded him the War Merit Cross, First Class, as Reich Protector for Bohemia and Moravia. He was also awarded the Golden Badge of the Party, and was promoted by Hitler personally from the rank of *Gruppenfuehrer* to *Obergruppenfuehrer* in the SS, on 21 June 1943. Von Neurath and Ribbentrop were the only two Ger-

mans to be awarded the *Adlerorden*, a distinction normally reserved for foreigners. Von Neurath's seventieth birthday, 2 February 1943, was made the occasion for most of the German newspapers to praise his many years of service to the Nazi regime. This service, in the view of the prosecution, may be summed up in two ways:

(1) He was an internal fifth columnist among Conservative political circles in Germany. They had been anti-Nazi but were converted in part by seeing one of themselves, in the person of von Neurath, wholeheartedly with the Nazis.

(2) His previous reputation as a diplomat made public opinion abroad slow to believe that he would be a member of a cabinet which did not stand by its words and assurances. It was most important for Hitler that his own readiness to break every treaty or commitment should be concealed as long as possible, and for this purpose he found in von Neurath his handiest tool.

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO CONSTANTIN VON NEURATH

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6.....	I	5
	International Military Tribunal, Indictment Number 1, Section IV (H); Appendix A.....	I	29,64
<p>Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the descrip-</p>			

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Document	Description	Vol.	Page
	tion of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
*386-PS	Notes on a conference with Hitler in the Reich Chancellery, Berlin, 5 November 1937, signed by Hitler's adjutant, Hossbach, and dated 10 November 1937. (USA 25).....	III	295
*388-PS	File of papers on Case Green (the plan for the attack on Czechoslovakia), kept by Schmundt, Hitler's adjutant, April-October 1938. (USA 26).....	III	305
*789-PS	Speech of the Fuehrer at a conference, 23 November 1939, to which all Supreme Commanders were ordered. (USA 23).....	III	572
*812-PS	Letter from Rainer to Seyss-Inquart, 22 August 1939 and report from Gauleiter Rainer to Reichskommissar Gauleiter Buerckel, 6 July 1939 on events in the NSDAP of Austria from 1933 to 11 March 1938. (USA 61).....	III	586
*862-PS	Memorandum by General Friderici, Plenipotentiary of the Wehrmacht to the Reich Protector of Bohemia and Moravia, initialled by Keitel, Jodl and Warlimont, 15 October 1940, concerning plan to Germanize Czechoslovakia. (USA 313).....	III	618
*1439-PS	Treaty of Protection between Slovakia and the Reich, signed in		

Document	Description	Vol.	Page
**1654-PS	Vienna 18 March and in Berlin 23 March 1939. 1939 Reichsgesetzblatt, Part I, p. 606. (GB 135). Law of 16 March 1935 reintroducing universal military conscription. 1935 Reichsgesetzblatt, Part I, p. 369. (Referred to but not offered in evidence.).....	IV	18
*1708-PS	The Program of the NSDAP. National Socialistic Yearbook, 1941, p. 153. (USA 255, USA 324).....	IV	163
*1760-PS	Affidavit of George S. Messersmith, 28 August 1945. (USA 57).	IV	208
*1774-PS	Extracts from Organizational Law of the Greater German Reich by Ernst Rudolf Huber. (GB 246)...	IV	305
*1780-PS	Excerpts from diary kept by General Jodl, January 1937 to August 1939. (USA 72).....	IV	349
*2031-PS	Decree establishing a Secret Cabinet Council, 4 February 1938. 1938 Reichsgesetzblatt, Part I, p. 112. (GB 217).....	IV	360
2119-PS	Decree of the Fuehrer and Reich Chancellor concerning the Protectorate of Bohemia and Moravia, 16 March 1939.....	IV	654
*2194-PS	Top secret letter from Ministry for Economy and Labor, Saxony, to Reich Protector in Bohemia and Moravia, enclosing copy of 1938 Secret Defense Law of 4 September 1938. (USA 36).....	IV	751
*2246-PS	Report of von Papen to Hitler, 1 September 1936, concerning Danube situation. (USA 67).....	IV	843
*2247-PS	Letter from von Papen to Hitler, 17 May 1935, concerning intention	IV	930

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21. HANS FRITZSCHE

A. POSITIONS HELD BY FRITZSCHE IN THE NAZI STATE.

Fritzsche's Party membership and his various positions in the propaganda apparatus of the Nazi State are shown in two affidavits made by himself (2976-PS; 3469-PS). Fritzsche became a member of the Nazi Party on 1 May 1933, and continued to be a member until Germany's collapse in 1945.

Fritzsche began his service with the staff of the Reich Ministry for People's Enlightenment and Propaganda (hereinafter referred to as the Propaganda Ministry) on 1 May 1933, he remained within the Propaganda Ministry until the Nazi downfall in the spring of 1945.

Before the Nazis seized political power in Germany, and beginning in September 1932, Fritzsche was head of the Wireless News Service (*Drahtloser Dienst*), an agency of the Reich Government, which at that time was the government of von Papen. After the Wireless News Service was incorporated into Dr. Goebbels' Propaganda Ministry in May 1933, Fritzsche continued as its head until 1938. Upon entering the Propaganda Ministry in May 1933, Fritzsche also became head of the news section of the Press Division of the Propaganda Ministry. He continued in this position until 1937. In the summer of 1938 Fritzsche was appointed deputy to Alfred Ingemar Berndt, who was then head of the German Press Division. (The German Press Division, in the Indict-

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ment, is called the "Home Press Division." Since "German Press Division" seems to be a more literal translation, it is referred to as the German Press Division throughout this section. It is sometimes otherwise known as the Domestic Press Division.) This Division, as will be later shown, was the major section of the Press Division of the Reich Cabinet.

In December 1938 Fritzsche succeeded Berndt as the head of the German Press Division. Between 1938 and November 1942, Fritzsche was promoted three times. He advanced in title from Superior Government Counsel to Ministerial Counsel, then to *Ministerialdirigent*, and finally to *Ministerialdirektor*.

In November 1942 Fritzsche was relieved of his position as head of the German Press Division by Dr. Goebbels. In its place he accepted from Dr. Goebbels a newly created position in the Propaganda Ministry, that of Plenipotentiary for the Political Organization of the Greater German Radio. At the same time he also became head of the Radio Division of the Propaganda Ministry. He held both these positions in radio until the Nazi downfall.

There are two allegations in the Indictment concerning Fritzsche's positions for which no proof is available. The first unsupported allegation states that Fritzsche was Editor-in-Chief of the official German News Agency, *Deutsche Nachrichten Buero*. The second unsupported allegation states that Fritzsche was head of the Radio Division of the Propaganda Department of the Nazi Party. Fritzsche, in his affidavit, denies having held either of these positions, and these two allegations must fall for want of other proof.

B. FRITZSCHE'S PART IN THE CONSPIRACY TO CONSOLIDATE NAZI CONTROL OVER GERMANY AND TO LAUNCH WARS OF AGGRESSION.

In one of his affidavits (3469-PS), which contains numerous statements in the nature of self-serving declarations, Fritzsche states that he first became a successful journalist in the service of the Hugenberg Press, the most important chain of newspaper enterprises in pre-Nazi Germany. The Hugenberg concern owned papers of its own, but it was important primarily because it served newspaper which principally supported the so-called "national" parties of the Reich, including the NSDAP.

In paragraph 5 of this affidavit (3469-PS), Fritzsche relates that in September 1932, when von Papen was Reich Chancellor, he was made head of the Wireless News Service, replacing an of-

ficial who was politically unbearable to the Papen regime. The Wireless News Service was a government agency for spreading news by radio. Fritzsche began making radio broadcasts at about this time, with a success which Goebbels recognized and later exploited on behalf of the Nazi conspirators.

On the evening of the day when the Nazis seized power, the 30 January 1933, two emissaries from Goebbels visited Fritzsche. One of them was Dressler-Andrees, head of the Radio Division of the NSDAP; the other was an assistant of Dressler-Andrees named Sadila-Mantau. These two emissaries notified Fritzsche that although Goebbels was angry with Fritzsche for writing an article critical of Hitler, still Goebbels recognized Fritzsche's public success on the radio. They stated further that Goebbels desired to retain Fritzsche as head of the Wireless News Service on certain conditions: (1) that Fritzsche discharge all Jews; (2) that he discharge all other personnel who would not join the NSDAP; (3) that he employ with the Wireless News Service the second Goebbels' emissary, Sadila-Mantau. Fritzsche refused all these conditions except the hiring of Sadila-Mantau. (3469-PS)

Fritzsche continued to make radio broadcasts during this period in which he supported the national National Socialist coalition government then still existing.

In early 1933 SA troops several times called at the Wireless News Service and Fritzsche prevented them, with some difficulty, from making news broadcasts.

In April 1933 Goebbels called Fritzsche to him for a personal audience. At paragraph 9 of his affidavit (3469-PS) Fritzsche has described his prior relationship with Dr. Goebbels:

"I was acquainted with Dr. Goebbels since 1928. Apparently he had taken a liking to me, besides the fact that in my press activities I had always treated the National Socialists in a friendly way until 1931. Already before 1933, Goebbels, who was the editor of the 'Attack' [*"Der Angriff"*] a Nazi newspaper, had frequently made flattering remarks about the form and content of my work, which I did as contributor of many 'National' newspapers and periodicals, among which were also reactionary papers and periodicals." (3469-PS)

(1) *Establishment of complete Nazi control over press and radio.* At the first Goebbels-Fritzsche discussion in early April 1933, Goebbels informed Fritzsche of his decision to place the Wireless News Service within the Propaganda Ministry as of 1 May 1933. He suggested that Fritzsche make certain rearrangements in the personnel so as to remove Jews and other

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persons who did not support the NSDAP. Fritzsche debated with Goebbels concerning some of these steps. During this period Fritzsche made some effort to place Jews in other jobs.

In a second conference with Goebbels shortly thereafter, Fritzsche informed Goebbels about the steps he had taken in reorganizing the Wireless News Service. Goebbels thereupon informed Fritzsche that he would like to have him reorganize and modernize the entire news services of Germany within the controls of the Propaganda Ministry. On 17 March 1933, approximately two months before this time, the Propaganda Ministry had been created by decree. (2029-PS) Fritzsche was intrigued by the Goebbels offer. He proceeded to conclude the Goebbels-inspired reorganization of the Wireless News Service and, on 1 May 1933, together with the remaining members of his staff, he joined the Propaganda Ministry. On this same day he joined the NSDAP and took the customary oath of unconditional loyalty to the Fuehrer (3469-PS).

From this time on, whatever reservations Fritzsche may have had, either then or later, to the course of events under the Nazis, Fritzsche was completely within the Nazi camp. For the next 13 years he assisted in creating and in using the propaganda devices which the conspirators successfully employed in each of the principal phases of the conspiracy.

From 1933 until 1942 Fritzsche held one or more positions within the German Press Division. For four years, from 1938 to 1942—the period when the Nazis undertook military invasions of neighboring countries—he headed this Division. By virtue of its functions, the German Press Division became an important and unique instrument of the Nazi conspirators, not only in dominating the minds and psychology of Germans, but also as an instrument of foreign policy and psychological warfare against other nations. Thus, the already broad jurisdiction of the Propaganda Ministry was extended as follows by a Hitler decree of 30 June 1933:

“The Reich Minister of Public Enlightenment and Propaganda has jurisdiction over the whole field of spiritual indoctrination of the nation, of propagandizing the State, of cultural and economic propaganda, of enlightenment of the public at home and abroad. Furthermore, he is in charge of the administration of all institutions serving those purposes.” (2030-PS)

An exposition of the general functions of the German Press Division of the Propaganda Ministry is contained in an excerpt from a book by George Wilhelm Mueller, a Ministerial Director

in the Propaganda Ministry. (2434-PS) Paragraphs 14, 15 and 16 of Fritzsche's affidavit contain an exposition of the functions of the German Press Division, a description which confirms and adds to the exposition in Mueller's book. Concerning the German Press Division, Fritzsche's affidavit (3469-PS) states:

"During the whole period from 1933 to 1945 it was the task of the German Press Division to supervise the entire domestic press and to provide it with directives by which this division became an efficient instrument in the hands of the German State leadership. More than 2,300 German daily newspapers were subject to this control. The aim of this supervision and control, in the first years following 1933, was to change basically the conditions existing in the press before the seizure of power. That meant the coordination into the New Order of those newspapers and periodicals which were in the service of capitalistic special interests or party politics. While the administrative functions, wherever possible, were exercised by the professional associations and the Reich Press Chamber, the political leadership of the German press was entrusted to the German Press Division. The head of the German Press Division held daily press conferences in the Ministry for the representatives of all German newspapers. Hereby all instructions were given to the representatives of the press. These instructions were transmitted daily, almost without exception, and mostly by telephone, from headquarters by Dr. Otto Dietrich, Reich Press Chief, in a fixed statement, the so-called 'Daily Parole of the Reich Press Chief.' Before the statement was fixed the head of the German Press Division submitted to him—Dietrich—the current press wishes expressed by Dr. Goebbels and by other Ministries. This was the case especially with the wishes of the Foreign Office, about which Dr. Dietrich always wanted to make decisions personally or through his representatives at the headquarters, Helmut Suendermann and chief editor Lorenz. The practical use of the general directions in detail was thus left entirely to the individual work of the individual editor. Therefore, it is by no means true that the newspapers and periodicals were a monopoly of the German Press Division or that essays and leading articles through it had to be submitted to the Ministry. Even in war times this happened in exceptional cases only. The less important newspapers and periodicals which were not represented at the daily press conferences received their information in a different way—by providing them

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either with ready-made articles and reports, or with a confidential printed instruction. The publications of all other official agencies were directed and coordinated likewise by the German Press Division. To enable the periodicals to get acquainted with the daily political problems of newspapers and to discuss these problems in greater detail, the *Informationskorrespondenz* was issued especially for periodicals. Later on it was taken over by the Periodical Press Division. The German Press Division likewise was in charge of pictorial reporting in so far as it directed the employment of pictorial reporters at important events. In this way, and conditioned by the current political situation, the entire German Press was made a permanent instrument of the Propaganda Ministry by the German Press Division. Thereby, the entire German Press was subordinate to the political aims of the Government. This was exemplified by the timely measuring and the emphatic presentation of such press polemics as appeared to be most useful, as shown for instance in the following themes: the class struggle of the system era; the leadership principle and the authoritarian state; the party and interest politics of the system era; the Jewish problem; the conspiracy of World Jewry; the Bolshevistic danger; the plutocratic Democracy abroad; the race problem generally; the church; the economic misery abroad; the foreign policy; and living space [*lebensraum*]." (3469-PS)

This description of Fritzsche's establishes clearly that the German Press Division was the instrument for subordinating the entire German press to the political aims of the Nazi Government.

Fritzsche's early activities within the German Press Division on behalf of the conspirators are described in his affidavit (3469-PS). In a conference with Goebbels the following occurred:

"At this time Dr. Goebbels suggested to me, as a specialist on news technique, the establishment and direction of a section 'News,' within the Press Division of his Ministry, in order to organize fully and to modernize the German news agencies. In executing this assignment given to me by Dr. Goebbels I took for my field the entire news field for the German Press and the radio in accordance with the directions given by the Propaganda Ministry, at first with the exception of the DNB, German News Agency." (3469-PS)

The reason why the DNB was excepted from Fritzsche's field at this time is that it did not come into existence until 1934.

Later on in his affidavit Fritzsche mentions the sizeable funds

put at his disposal in building up the Nazi news services. Altogether, the German news agencies received a ten-fold increase in their budget from the Reich, an increase from 400,000 to 4,000,000 marks. Fritzsche himself selected and employed the Chief Editor for the Transocean News Agency and also for the Europa Press. Fritzsche states that some of the

"* * * * directions of the Propaganda Ministry which I had to follow were * * * increase of German news copy abroad at any cost * * * spreading of favorable news on the internal construction and peaceful intentions of the National Socialistic System. * * *'" (3469-PS)

About the summer of 1934 Funk, then Reich Press Chief, achieved the fusion of the two most important domestic news agencies, the Wolff Telegraph Agency and the Telegraph Union, and thus formed the official German news agency known as DNB. Although Fritzsche held no position with DNB at any time, nevertheless as head of the news section of the German Press Division, Fritzsche's duties gave him official jurisdiction over the DNB, which was the official domestic news agency of the Reich after 1934. Fritzsche admits that he coordinated the work of the various foreign news agencies

"within the inland Europe and overseas foreign countries with each other and in relationship to DNB" (3469-PS).

The Wireless News Service was headed by Fritzsche from 1930 to 1937. After January 1933 the Wireless News Service was the official instrument of the Nazi government in spreading news over the radio. During the same time that Fritzsche headed the Wireless News Service, he personally made radio broadcasts to the German people. These broadcasts were naturally subject to the controls of the Propaganda Ministry and reflected its purposes. The influence of Fritzsche's broadcasts to the German people, during this period of consolidation of control by the Nazi conspirators, is all the more important since Fritzsche was concurrently head of the Wireless News Service, and thus in control of all radio news.

(2) *Use of propaganda to prepare the way for aggressions.* The use made by the Nazi conspirators of psychological warfare is well known. Before each major aggression, with some few exceptions based on expediency, they initiated a press campaign calculated to weaken their victims and to prepare the German people psychologically for the attack. They used the press, after their earlier conquests, as a means for further influencing for-

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eign politics and in maneuvering for the next following aggression.

By the time of the occupation of the Sudetenland on 1 October 1938, Fritzsche had become deputy head of the entire German Press Division. Fritzsche states that the role of German propaganda before the Munich Agreement on the Sudetenland was directed by his immediate chief, Berndt, head of the German Press Division. Fritzsche describes Berndt's propaganda as follows:

"He exaggerated minor events very strongly, used sometimes old episodes as new—and there even came complaints from the Sudetenland itself that much of the news reported by the German press was untrustworthy. As a matter of fact, after the great foreign political success at Munich in September 1938, there came a noticeable crisis in confidence of the German people in the trustworthiness of its press. This was one reason for the recalling of Berndt, in December 1938 after the conclusion of the Sudeten action and for my appointment as head of the German Press Division. Beyond this, Berndt, by his admittedly successful but still primitive military-like orders to the German Press, had lost the confidence of the German editors." (3469-PS)

Fritzsche was accordingly made head of the German Press Division in place of Berndt. Between December 1938 and 1942, Fritzsche, as head of the German Press Division, personally gave to the representatives of the principal German newspapers the "daily parole of the Reich Press Chief." During this period he was the principal conspirator directly concerned with the manipulations of the press.

The first important foreign aggression after Fritzsche became head of the German Press Division was the incorporation of Bohemia and Moravia. Fritzsche describes the propaganda action surrounding the incorporation of Bohemia and Moravia as follows:

"The action for the incorporation of Bohemia and Moravia, which took place on 15 March 1939, while I was head of the German Press Division, was not prepared for such a long period as the Sudeten action. According to my memory, it was in February that I received the order from the Reich Press Chief, Dr. Dietrich, which was repeated as a request by the envoy Paul Schmidt of the Foreign Office, to bring the attention of the press to the efforts for independence of Slovakia and to the continued anti-German coalition politics of the Prague government. I did this. The daily

paroles of the Reich Press Chief and the press conference minutes at that time show the wording of the corresponding instructions." These were the typical headlines of leading newspapers and the emphatic leading articles of the German daily press at that time: (1) the terrorizing of Germans within the Czech territory by arrest, shooting of Germans by the state police, destruction and damaging of German homes by Czech gangsters; (2) the concentration of Czech forces on the Sudeten frontier; (3) the kidnaping, deporting, and persecuting of Slovakian minorities by the Czechs; that the Czechs must get out of Slovakia; (4) secret meetings of Red functionaries in Prague. Some few days before the visit of Hacha, I received the instruction to publish in the press very emphatically the incoming news on the unrest in Czechoslovakia. Such information I received only partly from the German News Agency, DNB. Mostly it came from the Press Division of the Foreign Office and some of it came from big newspapers with their own news services. Among the newspapers offering information was above all the '*Voelkischer Beobachter*' which, as I learned later on, received its information from the SS Standartenfuehrer Gunter D'Alquen. He was at this time in Pressburg. I had forbidden all news agencies and newspapers to issue news on unrest in Czechoslovakia before I had seen it. I wanted to avoid a repetition of the very annoying results of the Sudeten action propaganda, and I did not want to suffer a loss of prestige caused by untrue news. Thus, all news checked by me was admittedly full of tendency [*voller Tendenz*] however, not invented. After the visit of Hacha in Berlin and after the beginning of the invasion of the German Army, which took place on 15 March 1939, the German press had enough material for describing those events. Historically and politically the event was justified with the indication that the declaration of independence of Slovakia had required an interference and that Hacha with his signature had avoided a war and had reinstated a thousand-year union between Bohemia and the Reich." (3469-PS)

The propaganda campaign of the press preceding the invasion of Poland on 1 September 1939 bears again the handiwork of Fritzsche and his German Press Division. Fritzsche speaks of the conspirators' treatment of this episode as follows:

"Very complicated and changing was the press and propagandistic treatment in the case of Poland. Under the influence of the German-Polish agreement, it was generally

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forbidden in the German press for many years to publish anything on the situation of the German minority in Poland. This remained also the case when in the Spring of 1939 the German press was asked to become somewhat more active as to the problem of Danzig. Also, when the first Polish-English conversations took place, and when the German press was instructed to use a sharper tone against Poland, the question of the German minority still remained in the background. But during the summer this problem was picked up again and created immediately a noticeable sharpening of the situation, namely, each larger German newspaper had for quite some time an abundance of material on complaints of the Germans in Poland without the editors having had a chance to use this material. The German papers, from the time of the minority discussion at Geneva, still had correspondents of free collaborators in Kattowitz, Bromberg, Posen, Thorn, etc. Their material now came forth with a bound. Concerning this the leading German newspapers, upon the basis of directions given out in the so-called 'daily parole' brought out the following publicity with great emphasis: (1) cruelty and terror against Germans and the extermination of Germans in Poland; (2) forced labor of thousands of German men and women in Poland; (3) Poland, land of servitude and disorder; the desertion of Polish soldiers; the increased inflation in Poland; (4) provocation of frontier clashes upon direction of the Polish Government; the Polish lust to conquer; (5) persecution of Czechs and Ukrainians by Poland. The Polish Press replied particularly sharply." (3469-PS)

The press campaign preceding the invasion of Yugoslavia followed the conventional pattern. The customary definitions, lies, incitement, and threats, and the usual attempt to divide and weaken the victim, are contained in Fritzsche's description of this propaganda action:

"During the period immediately preceding the invasion of Yugoslavia, on the 16th of April 1941, the German press emphasized by headlines and leading articles the following topics: (1) the planned persecution of Germans in Yugoslavia, including the burning down of German villages by Serbian soldiers; also the confining of Germans in concentration camps and also the physical mishandling of German-speaking persons; (2) the arming of Serbian bandits by the Serbian Government; (3) the incitement of Yugoslavia by the plutocrats against Germany; (4) the increasing anti-

Serbian feeling in Croatia; (5) the chaotic economic and social conditions in Yugoslavia."

Since Germany had a non-aggression pact with the Soviet Union, and because the conspirators wanted the advantage of surprise, there was no special propaganda campaign immediately preceding the attack on the U. S. S. R. Fritzsche's affidavit discusses the propaganda line which was given the German people in justification of this aggressive war:

"During the night from the 21st to the 22nd of June 1941, Ribbentrop called me in for a conference in the Foreign Office Building at about 5 o'clock in the morning, at which representatives of the domestic and foreign press were present. Ribbentrop informed us that the war against the Soviet Union would start that same day and asked the German press to present the war against the Soviet Union as a preventative war for the defense of the Fatherland, as a war which was forced upon us through the immediate danger of an attack of the Soviet Union against Germany. The claim that this was a preventative war was later repeated by the newspapers which received their instructions from me during the usual daily parole of the Reich Press Chief. I, myself, have also given this presentation of the cause of the war in my regular broadcasts." (3469-PS)

Fritzsche, throughout his affidavit, constantly refers to his expert technical assistance to the apparatus of the Propaganda Ministry. In 1939, apparently becoming dissatisfied with the efficiency of the existing facilities of the German Press Division, he established a new instrument for improving the effectiveness of Nazi propaganda:

"About the summer of 1939 I established within the German Press Division a section called 'Speed-Service.' * * * At the start it had the task of checking the correctness of news from foreign countries. Later on, about the Fall of 1939, this section also elaborated on collecting materials which were put at the disposal of the entire German press. For instance, dates from the British Colonial policy, from political statements of the British Prime Minister in former times, descriptions of social distress in hostile countries, etc. Almost all German newspapers used such material as a basis for their polemics. Hereby was achieved a great unification within the fighting front of the German press. The title 'Speed Service' was chosen because materials for current comments were supplied with unusual speed." (3469-PS)

Throughout this entire period preceding and including the

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launching of aggressive wars, Fritzsche made regular radio broadcasts to the German people under the program titles of "Political Newspaper Review," "Political and Radio Show," and later "Hans Fritzsche Speaks." His broadcasts naturally reflected the polemics and the controls of his Ministry and thus of the conspiracy. Fritzsche, the most eminent member of Goebbels's propaganda team, helped substantially in making possible, both within Germany and without, the conspirators' plans for aggressive war.

C. FRITZSCHE'S USE OF PROPAGANDA TO FURTHER THE CONSPIRACY TO COMMIT ATROCITIES AND EXPLOIT OCCUPIED TERRITORIES.

Fritzsche incited atrocities and encouraged a ruthless occupation policy. The results of propaganda as a weapon of the Nazi conspirators reaches into every aspect of this conspiracy, including the atrocities and ruthless exploitation in occupied countries. It is likely that many ordinary Germans would never have participated in or tolerated the atrocities committed throughout Europe, had they not been conditioned and goaded by the constant Nazi propaganda. The callousness and zeal of the people who actually committed the atrocities was in large part due to the constant and corrosive propaganda of Fritzsche and his official associates.

(1) *Persecution of the Jews.* With respect to Jews, the Department of Propaganda within the Propaganda Ministry had a special branch for the "Enlightenment of the German people and of the world as to the Jewish question, fighting with propagandistic weapons against enemies of the State and hostile ideologies." This quotation is taken from a book written in 1940 by Ministerial Director Mueller, entitled "The Propaganda Ministry." (2434-PS)

In his radio broadcasts Fritzsche took a particularly active part in this "enlightenment" concerning the Jewish question. These broadcasts were full of provocative libels against Jews, the result of which was to inflame Germans to further atrocities against Jews. Even Streicher, the master Jew-baiter of all time, could scarcely outdo Fritzsche in some of his anti-Jewish incitements. Broadcasts by Fritzsche which were monitored and translated by the British Broadcasting Corporation are quite revealing (3064-PS). These radio speeches of Fritzsche were broadcast during the period 1941-1945, which was a period of intensified anti-Jewish measures.

For instance, in a broadcast on 18 December 1941, Fritzsche declared:

"The fate of Jewry in Europe has turned out as unpleasant as the Fuehrer predicted in the case of a European war. After the extension of the war instigated by Jews, this unpleasant fate may also spread to the New World, for you can hardly assume that the nations of this New World will pardon the Jews for the misery of which the nations of the Old World did not absolve them." (3064-PS)

On 18 March 1941 Fritzsche broadcast as follows:

"But the crown of all wrongly-applied Rooseveltian logics is the sentence 'There never was a race and there never will be a race which can serve the rest of mankind as a master.' Here too we can only applaud Mr. Roosevelt. Precisely because there exists no race which can be the master of the rest of mankind, we Germans have taken the liberty to break the domination of Jewry and of its capital in Germany, of Jewry which believed to have inherited the Crown of secret world domination." (3064-PS)

On 9 October 1941 Fritzsche declared over the radio:

"We know very well that these German victories, unparalleled in history, have not yet stopped the source of hatred, which, for a long time, has fed the war mongers and from which this war originated. The international Jewish-Democratic Bolshevistic campaign of incitement against Germany still finds cover in this or that fox's lair or rat-hole. We have seen only too frequently how the defeats suffered by the war mongers only doubled their senseless and impotent fury." (3064-PS)

And on 8 January 1944 Fritzsche broadcast the following:

"It is revealed clearly once more that not a system of Government, not a young nationalism, not a new and well applied Socialism brought about this war. The guilty ones are exclusively the Jews and the Plutocrats. If discussion on the post-war problems brings this to light so clearly, we welcome it as a contribution for later discussions and also as a contribution to the fight we are waging now, for we refuse to believe that world history will confide its future developments to those powers which have brought about this war. This clique of Jews and Plutocrats have invested their money in armaments and they had to see to it that they would get their interests and sinking funds; hence they unleashed this war." (3064-PS)

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Finally, in a broadcast on 13 January 1945, Fritzsche stated:

"If Jewry provided a link between divergent elements as Plutocracy and Bolshevism and if Jewry was first able to work successfully in the Democratic countries in preparing this war against Germany, it has by now placed itself unreservedly on the side of Bolshevism which, with its entirely mistaken slogans of racial freedom against racial hatred, has created the very conditions the Jewish race requires in its struggle for domination over other races."

* * * * *

"Not the last result of German resistance on the fronts, so unexpected to the enemy, is the fruition of a development which began in the pre-war years, the process of subordinating British policy to far-reaching Jewish points of view. It began long before this when Jewish emigrants from Germany started their war-mongering against us from British and American soil."

* * * * *

"This whole attempt aiming at the establishment of Jewish world domination, now increasingly recognizable, has come to a head at the very moment when the people's understanding of their racial origins has been far too much awakened to promise success to the undertaking." (3064-PS)

All this was designed not only as a justification of prior anti-Jewish actions, but also as an invitation to further persecution of the Jews.

(2) *Ruthless treatment of peoples of the USSR.* Fritzsche also incited and encouraged ruthless measures against the peoples of the USSR.

In his regular broadcasts Fritzsche's incitements against the peoples of the USSR were often linked to, and were certainly as inflammatory as, his rantings against the Jews. It is ironic that his propaganda ascribing atrocities to the peoples of the USSR are accurate descriptions of some of the many atrocities committed by the German invaders. Shortly after the invasion of the USSR in June 1941 Fritzsche broadcast as follows:

"The evidence of letters reaching us from the front, of P. K. [*Propaganda Kompanie*] reporters and soldiers on leave demonstrates that, in this struggle in the East, not one political system is pitted against another, not one view of life is fighting another, but that culture, civilization, and human decency make a stand against the diabolical principle of a sub-human world."

"It was only the Fuehrer's decision to strike in time that saved our homeland from the fate of being overrun by those sub-human creatures, and our men, women, and children from the unspeakable horror of being their prey." (3064-PS)

In his broadcast on 10 July 1941 Fritzsche spoke of the alleged inhuman deeds committed in various areas by the Soviet Union, and he states that upon seeing the evidence of those deeds one is

"* * * finally to make the holy resolve to give his aid in the final destruction of those who are capable of such dastardly acts."

* * * * *

"The Bolshevik agitators make no effort to deny that in towns, thousands, in the villages, hundreds, of corpses of men, women and children have been found, who had been either killed or tortured to death. Yet the Bolshevik agitators allege that this was not done by Soviet Commissars but by German soldiers. Now we Germans know our soldiers. No German woman, father, or mother requires proof that their husband or their son cannot have committed such atrocious acts." (3064-PS)

Evidence to be offered by the Soviet prosecuting staff will prove that representatives of the Nazi conspirators did not hesitate to exterminate Soviet soldiers and civilians by scientific mass methods. The incitements by Fritzsche make him an accomplice in these crimes. His labeling of the Soviet peoples as members of a "sub-human world" seeking to "exterminate" the German people, and similar talk, helped fashion the psychological atmosphere of unreason and hatred which not only made possible these atrocities in the East, but made them appear a holy duty.

(3) *Exploitation of occupied territories.* Fritzsche encouraged and glorified the policy of the Nazi conspirators in ruthlessly exploiting the occupied countries. In his radio broadcast of 9 October 1941 he stated:

"Today we can only say: Blitzkrieg or no—this German thunderstorm has cleansed the atmosphere of Europe. It is quite true that the dangers threatening us were eliminated one after the other with lightning speed; but in these lightning blows which shattered England's allies on the Continent, we saw not a proof of the weakness, but a proof of the strength and superiority of the Fuehrer's gift as a statesman and military leader; a proof of the German peoples' force; we saw the proof that no opponent can stand up to the courage, discipline, and readiness for sacrifice displayed

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by the German soldier; and we are particularly grateful for these lightning, unmatched victories, because—as the Fuehrer emphasized last Friday—they give us the possibility of embarking on the organization of Europe and of lifting of the treasures of this old continent, already now in the middle of war, without it being necessary for millions and millions of German soldiers to be on guard, fighting day and night along this or that threatened frontier; and the possibilities of this continent are so rich that they suffice for any need of peace or war.” (3064-PS)

In his affidavit, Fritzsche admits having encouraged the exploitation of foreign countries:

“The utilization of the productive capacity of the occupied countries for the strengthening of the war potential, I have openly and gloriously praised, chiefly because the competent authorities put at my disposal much material, especially on the voluntary placement of manpower.” (3469-PS)

(4) *Control of German radio.* In addition to continuing as the head of the German Press Division until after the conspirators had begun the last of their aggression, Fritzsche was also the high commander of the entire German radio system. In November 1942 Goebbels created a new position, that of Plenipotentiary for the Political Organization of the Greater German Radio, a position which Fritzsche was the first and the last to hold. In his affidavit, Fritzsche narrates how the entire German Radio and Television System was organized under his supervision:

“My office practically represented the high command of German radio.” (3469-PS)

As special Plenipotentiary for the Political Organization of the Greater German Radio, Fritzsche issued orders to all the Reich propaganda offices by teletype. These were used in conforming the entire radio apparatus of Germany to the desires of the conspirators.

Goebbels customarily held an eleven o'clock conference with his closest collaborators within the Propaganda Ministry. When both Goebbels and his undersecretary, Dr. Naumann, were absent, Goebbels, after 1943, entrusted Fritzsche with the holding of this eleven o'clock press conference.

In Goebbels' introduction to a book by Fritzsche, called “War to the War Mongers,” he took occasion to praise Fritzsche's broadcasts in this fashion:

“Nobody knows better than I how much work is involved in those broadcasts, how many times they were dictated within

the last minutes to find some minutes later a willing ear by the whole nation." (3255-PS)

It is clear from Goebbels himself that the entire German nation was prepared to lend willing ears to Fritzsche, after he had made his reputation on the radio.

The rumor passed that Fritzsche was "His Master's Voice" (*Die Stimme seines Herren*). This is borne out by Fritzsche's functions. When Fritzsche spoke on the radio it was plain to the German people that they were listening to the high command of the conspirators in this field.

D. CONCLUSION.

Fritzsche was not the type of conspirator who signed decrees, or who sat in the inner councils planning the overall grand strategy. The function of propaganda is, for the most part, apart from the field of such planning. The function of a propaganda agency is somewhat more analogous to an advertising agency or public relations department, the job of which is to sell the product and to win the market for the enterprise in question. Here the enterprise was the Nazi conspiracy. In a conspiracy which depends upon fraud as a means, the salesmen of the conspiratorial group are quite as essential and culpable as the master planners, even though he may not have contributed substantially to the formulation of all the basic strategy, but rather concentrated on making the execution of this strategy possible. In this case, propaganda was a weapon of tremendous importance to this conspiracy. Furthermore, the leading propagandists were major accomplices in this conspiracy, and Fritzsche was one of them.

When Fritzsche entered the Propaganda Ministry, which has been called the most fabulous "lie factory" of all time, and thus attached himself to the conspiracy, he did so with more of an open mind than most of the conspirators who had committed themselves at an earlier date, before the seizure of power. He was in a particularly strategic position to observe the frauds committed upon the German people and the world by the conspirators.

In 1933, before Fritzsche took his Party oath of unconditional obedience and subservience to the Fuehrer, he had observed at first hand the operations of the storm troopers and the execution of Nazi race actions. When, notwithstanding, Fritzsche undertook to bring all German news agencies within Nazi control, he learned from the inside, indeed from Goebbels himself, the intrigue and lies against opposition groups within and without Germany.

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He observed, for example, how opposition journalists, a profession to which he had previously belonged, were either absorbed or eliminated. He continued to support the conspiracy. He learned from day to day the art of intrigue and quackery in the process of perverting the German nation, and he grew in prestige and influence as he practiced this art.

Fritzsche learned a lesson from his predecessor, Berndt, who fell from the leadership of the German Press Division partly because he over-played his hand by blunt and excessive manipulation of the Sudetenland propaganda. Fritzsche stepped into the gap caused by the loss of confidence of both the editors and the German people, and did his job with more skill and subtlety. His shrewdness and ability to be more assuring and "to find," as Goebbels said, "willing ears of the whole nation,"—these things made him the more useful accomplice of the conspirators.

Nazi Germany and its press went into war with Fritzsche in control of all German news, whether by press or radio. In 1942, when Fritzsche transferred from the field of the press to radio, he was not removed for bungling, but because Goebbels then needed his talents most in the field of radio. Fritzsche is not in the dock as a free journalist but as a propagandist who helped substantially to tighten the Nazi stranglehold over the German people, who made the excesses of the conspirators palatable to the German people, who goaded the German nation to fury and crime against people they were told by him were sub-human.

Without the propaganda apparatus of the Nazi State, the world would not have suffered the catastrophe of these years, and it is because of Fritzsche's role in behalf of the Nazi conspirators, and their deceitful and barbarous practices, that he is called to account before the International Military Tribunal.

(See also Section 9 of Chapter VII on Propaganda, Censorship, and Supervision of Cultural Activities.)

LEGAL REFERENCES AND LIST OF DOCUMENTS
RELATING TO HANS FRITZSCHE

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6.....	I	5
	International Military Tribunal, Indictment Number 1, Section IV (H); Appendix A.....	I	26,63
	<p style="text-align: center;">—————</p> <p>Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.</p> <p style="text-align: center;">—————</p>		
2029-PS	Decree establishing the Reich Ministry of Public Enlightenment and Propaganda, 13 March 1933. 1933 Reichsgesetzblatt, Part I, p. 104...	IV	652
2030-PS	Decree concerning the Duties of the Reich Ministry for Public Enlightenment and Propaganda, 30 June 1933. 1933 Reichsgesetzblatt, Part I, p. 449.....	IV	653
*2434-PS	The Reich Ministry for Enlightenment of the People and for Propa-		

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Document	Description	Vol.	Page
*2976-PS	ganda, Berlin 1940, by Georg Mueller. (USA 722).....	V	102
*3064-PS	Affidavit of Fritzsche, 19 November 1945, concerning positions held. (USA 20).....	V	682
*3255-PS	Official British Broadcasting Corporation translation of radio speeches of Fritzsche. (USA 723). Ministerial Director Hans Fritzsche — Leader of Radio, published in Radio Archives, Vol. 15, November 1942, pp. 473-474. (USA 724).....	V	877
*3469-PS	Affidavit of Hans Fritzsche, 7 January 1946. (USA 721).....	V	992
*Chart No. 1	National Socialist German Workers' Party. (2903-PS; USA 2).....	VI	174
		VIII	770

BIOGRAPHICAL DATA

I. PRINCIPAL OFFICIALS OF THE REICH GOVERNMENT

LEADER AND REICH CHANCELLOR (<i>Fuehrer und Reichskanzler</i>)	ADOLPH HITLER
Designated Successors	HERMANN GOERING, RUDOLF HESS (until 1941)
Successor named to form a Government after the collapse in May 1945	KARL DOENITZ
Head of Presidential Chancery (<i>Praesidialkanzlei</i>) and State Minister (<i>Staatsminister</i>)	OTTO MEISSNER

REICH CABINET (*Reichsregierung*)

Chancellor (<i>Reichskanzler</i>)	ADOLF HITLER
Vice-Chancellor	FRANZ von PAPEN (until 1934)
Reich Ministers:	
Reich Chancery	HANS LAMMERS
Air	HERMANN GOERING
Armaments and War Production	ALBERT SPEER (predecessor, Todt, Minister for Armaments and Munitions—until 1942)
Church Affairs	HERMAN MUHS, Acting (predecessor, Hans Kerrl)
Economics	WALTER FUNK (predecessors, Schacht, Schmitt, Hugenberg)
Education	BERNARD RUST
Finance	LUTZ GRAF SCHWERIN von KROSIGK
Food and Agriculture	HERBERT BACKE, Acting (predecessor, Walter Darre)
Foreign Affairs	JOACHIM von RIBBENTROP (predecessor, Constantin von Neurath)
Interior	HEINRICH HIMMLER (predecessor, Wilhelm Frick)

Justice	OTTO THERACK (predecessor, Schlegelberger—acting, Guertner)
Labor	FRANZ SELDTE
Labor Service	KONSTANTIN HIERL
Occupied Eastern Territories	ALFRED ROSENBERG
Posts	WILHELM OHNESORGE (predecessor, von Eltz-Ruebenach)
Propaganda	PAUL JOSEF GOEBBELS
Transport	JULIUS DORPMUELLER (predecessor, Eltz von Ruebenach)
War	WERNER von BLOMBERG (until 1938)
Ministers without Portfolio but with Rank of Reich Minister	KEITEL (predecessor, von Brauchitsch until December 1941) DOENITZ (predecessor, Raeder) B O R M A N N (predecessor, Hess) HANS FRANK SEYSS-INQUART (predecessor, Roehm, until 1934)
Ministers after loss of portfolio	FRICK von NEURATH SCHACHT
State Ministers acting as Reich Ministers:	
Head of the Presidential Chancery	MEISSNER
State Minister for Bohemia- Moravia	KARL HERMANN FRANK
Other Participants in Cabinet Meetings:	
Chief of Foreign Organiza- tion of Party	ERNST WILHELM BOHLE
Prussian Minister of State and Finance	DR. JOHANNES POPITZ
Government Press Chief	OTTO DIETRICH (predecessor, Walter Funk)
Reich Youth Leader	ARTHUR AXMANN (predecessor, Baldur von Schirach)

SECRET CABINET COUNCIL (*Geheimer Kabinettsrat*)

President	CONSTANTIN VON NEURATH
Secretary	HANS LAMMERS
Members	JOACHIM von RIBBENTROP, HERMANN GOERING, PAUL JOSEF GOEBBELS, ERICH RAEDER, WILHELM KEITEL, RUDOLF HESS (until 1941), MARTIN BORMANN, WALTER von BRAUCHITSCH

REICH DEFENSE COUNCIL (*Reichsverteidigungsrat*) (Status in 1938)

Chairman	ADOLF HITLER
Reich Minister of Air and Supreme Commander of Air force (<i>Reichsminister der Luftfahrt und Oberbefehlshaber der Luftwaffe</i>)	HERMANN GOERING
Supreme Commander of the Army (<i>Oberbefehlshaber des Heeres</i>)	WALTER von BRAUCHITSCH
Supreme Commander of the Navy (<i>Oberbefehlshaber der Kriegsmarine</i>)	ERICH RAEDER
Chief of the OKW (<i>Chef des Oberkommandos der Wehrmacht</i>)	WILHELM KEITEL
Deputy of the Leader (<i>Stellvertreter des Fuehrers</i>)	RUDOLF HESS
Chief of Reich Chancery (<i>Chef der Reichskanzlei</i>)	HANS LAMMERS
President of Secret Cabinet Council (<i>Praesident des Geheimen Kabinettsrats</i>)	CONSTANTIN von NEURATH
Plenipotentiary for Reich Administration (<i>Generalbevollmaechtigter fuer die Reichsverwaltung</i>)	WILHELM FRICK

Plenipotentiary for Economics (<i>Generalbevollmaechtigter fuer die Wirtschaft</i>) and Reich Finance Minister (<i>Reichsminister der Finanzen</i>)	WALTER FUNK
Reich Minister of Foreign Affairs (<i>Reichsminister des Auswaertigen</i>)	JOACHIM von RIBBENTROP
Reich Minister of Interior (<i>Reichsminister des Innern</i>)	WILHELM FRICK
Reich Minister for Propaganda (<i>Reichsminister fuer Volksaufklaerung und Propaganda</i>)	PAUL JOSEF GOEBBELS
President of Reich Bank Directory (<i>Praesident des Reichsbankdirektoriums</i>)	HJALMAR SCHACHT
REICH DEFENSE COMMITTEE (<i>Reichsverteidigungsausschuss</i>)	KEITEL, GOERING, SCHACHT, FUNK, FRICK and Defense Officials (<i>RD Referenten</i>)
MINISTERIAL COUNCIL FOR DEFENSE OF THE REICH (<i>Ministerrat fuer die Reichsverteidigung</i>)	
Chairman	HERMANN GOERING
Secretary	HANS LAMMERS
Plenipotentiary for Reich Administration	HEINRICH HIMMLER (predecessor, Wilhelm Frick)
Plenipotentiary for Economics ..	WALTER FUNK
Chief of OKW	WILHELM KEITEL
Deputy of the Fuehrer	RUDOLF HESS (followed by Head of the Party Chancery, Martin Bormann)
THREE-MAN COLLEGE (<i>Dreier-Kollegium</i>)	
Plenipotentiary for (War) Economy	FUNK (predecessor, Schacht)
Plenipotentiary for Administration	HIMMLER (predecessor, Frick)

Chief of the OKW KEITEL (predecessor, Minister of War—Blomberg)

OFFICE OF THE DELEGATE FOR THE FOUR YEAR PLAN
(*Beauftragter fuer den Vierjahresplan*)

Delegate (*Beauftragter*) HERMANN GOERING

State Secretary and Permanent

Deputy PAUL KOERNER

Plenipotentiaries - General

(*Generalbevollmaechtigte*):

Control of Building ALBERT SPEER

Special Chemical Production CARL KRAUCH

Economics in Serbia FRANZ NEUHAUSEN

Metal Mining in the South-east FRANZ NEUHAUSEN

Armaments ALBERT SPEER

Manpower FRITZ SAUCKEL

OCCUPIED TERRITORIES (Administrators directly responsible to Hitler)

Reich Commissioners:

Netherlands (*Reichskommissar fuer die besetzten niederlaendischen Gebiete*)

Reich Commissioner ARTHUR SEYSS-INQUART

Norway (*Reichskommissar fuer die besetzten norwegischen Gebiete*) Reich

Commissioner JOSEF TERBOVEN

Ostland (*Reichskommissar fuer das Ostland*)

..... HINRICH LOHSE

Ukraine (*Reichskommissar fuer die Ukraine*)

..... ERICH KOCH

Protectorate of Bohemia and Moravia (*Reichsprotectorat Boehmen und Maehren*) (Czechoslovakia)

Reich Protector WILHELM FRICK (predecessor, Constantin von Neurath)

State Minister KARL HERMANN FRANK

General Government (*General gouvernement*) (Poland)

Governor-General HANS FRANK

Chiefs of Civil Administration:

Alsace—Chief of Civil Administration (*Chef der Zivilverwaltung im Elsass*) ROBERT WAGNER

Bialystok—Chief of Civil Administration (*Chef der Zivilverwaltung in Bezirk Bialystok*) ERICH KOCH

Carinthia and Carniola—Chief of Civil Administration (*Chef der Zivilverwaltung in den besetzten Gebieten Kaerntens und Krains*) FRIEDRICH RAINER

Lorraine—Chief of Civil Administration (*Chef der Zivilverwaltung in Lothringen*) WILHELM STOEHR (predecessor, Josef Buerckel)

Lower Styria—Chief of Civil Administration (*Chef der Zivilverwaltung in der Untersteiermark*) SIEGFRIED UIBERREITHER

Luxembourg—Chief of Civil Administration (*Chef der Zivilverwaltung in Luxemburg*) GUSTAV SIMON

Military Administration:

Denmark:

Military Commander GEORG LINDEMANN (predecessor, Hermann von Hanneken)

Plenipotentiary WERNER BEST

France:

Military Commander STUELPNAGEL

Chief of Administration SCHMIDT

Diplomatic Representative OTTO ABETZ

THE REICHSTAG

President	HERMANN GOERING
Vice-President	HERMANN ESSER
Head of Administration (<i>Ministerialdirigent</i>)	KIENAST

POLICE

Reich Leader of SS and Chief of German Police (<i>Reichsfuehrer SS und Chef der Deutschen Polizei</i>)	HEINRICH HIMMLER
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Chief of the Order Police (<i>Chef der Ordnungspolizei</i>)	WUENNENBERG (predecessor, Kurt Daluege)
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Chief of Security Police and SD (<i>Chef der Sicherheitspolizei und SD</i>)	ERNST KALTENBRUNNER (predecessor, Reinhardt Heydrich)
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Reich Main Security Office (<i>Reichssicherheitshauptamt</i>):	
Chief	ERNST KALTENBRUNNER (predecessor, Reinhardt Heydrich)

Chief of Personnel (Dept. I)	ERWIN SCHULZ
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Chief of Organization, Administration, and Law (Dept. II)	HAENEL (predecessor, Siegert)
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Chief of Security Service (SD) (Dept. III)	OTTO OHLENDORF
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Chief of Secret State Police (Gestapo) (Dept. IV)	HEINRICH MUELLER
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Chief of Criminal Police (Kripo) (Dept. V)	PANZINGER (predecessor, Nebe)
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Chief of Security Service (SD) Occupied Territories (Dept. VI)	WALTER SCHELLENBERG
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Chief of Ideological Research (Dept. VII)	DITTEL (predecessor, Six)
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Military Office	WALTER SCHELLENBERG
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2. PRINCIPAL OFFICIALS OF THE NAZI PARTY

Leader of the Party (<i>Fuehrer</i>)..	ADOLF HITLER
Deputy of the Fuehrer (<i>Stell- vertreter des Fuehrers</i>).....	RUDOLF HESS (until 1941)
Chief of the Party Chancery and Secretary of the Fuehrer (<i>Leiter der Partei Kanzlei und Sekretaer des Fuehrers</i>).....	MARTIN BORMANN
Chancery of the Fuehrer (<i>Kanzlei des Fuehrers</i>):	
Head	PHILIPP BOUHLER
Chancery of the Party (<i>Kanzlei der Partei</i>):	
Head	MARTIN BORMANN
Deputy Head.....	HELMUT FRIEDRICHS
Heads of Divisions:	
Internal Party Affairs.....	HELMUT FRIEDRICHS
Constitutional Law.....	GERHARD KLOEPFER
Finance	KARL WINKLER
Personnel	WALKENHORST
Reich Party Directorate (<i>Reichsleitung</i>):	
Chancery of Fuehrer and Party	
Censorship	PHILIPP BOUHLER
Chancery of the Party.....	MARTIN BORMANN
Colonial Policy	FRANZ RITTER von EPP
Ideology and Foreign Policy....	ALFRED ROSENBERG
Legal Office	HANS FRANK (until 1942)
Municipal Policy	KARL FIEHLER
Nazi Reichstag Delegation.....	WILHELM FRICK
Organization and Labor Front	ROBERT LEY
Party Tribunal	WALTER BUCH
Peasantry	WALTER DARRE (on leave, Herbert Backe, acting)
Press Control (political).....	OTTO DIETRICH
Press Control (economic)	MAX AMANN
Propaganda	PAUL JOSEF GOEBBELS
Reich Labor Service.....	KONSTANTIN HIERL
SS and Germanization	HEINRICH HIMMLER
Treasury	FRANZ XAVER SCHWARZ
Youth Education	BALDUR von SCHIRACH
Heads of Party Formations	
Elite Guard (SS)	HEINRICH HIMMLER
Storm Troops (SA).....	WILHELM SCHEPMANN (predecessors, Victor Lutze, Ernest Roehm)

NS Motor Corps (NSKK)..... ERWIN KRAUS

Hitler Youth (HJ) ARTHUR AXMANN (predecessor, Baldur von Schirach)

NS Flying Corps (NSFK)
(with status similar to that
of a formation) ALFRED KELLER

NS German Student League
(NSDSB) GUSTAV-ADOLF SCHEEL

NS University Teachers
League (NSDoB) GUSTAV-ADOLF SCHEEL

NS Women's League (NSF).... GERTRUD SCHOLTZ-
KLINK

3. HEADS OF THE ARMED FORCES

Supreme Commander (*Oberster
Befehlshaber der Wehr-
macht*) ADOLF HITLER

Highest ranking officer (Rangael-
tester Offizier) HERMANN WILHELM
GOERING (Reichsmar-
schall)

C. in C. Army (*Oberbefehlshaber
des Heeres*) ADOLF HITLER (predeces-
sors, Walter von Brausch-
itsch, Werner von Fritsch)

C. in C. Navy (*Oberbefehlshaber
der Kriegsmarine*) KARL DOENITZ (predeces-
sor, Erich Raeder)

C. in C. Air Force (*Oberbefehls-
haber der Luftwaffe*) HERMANN WILHELM
GOERING (succeeded in
1945 by Robert von Greim)

A. HIGH COMMAND OF THE ARMED FORCES (*Oberkom-
mando der Wehrmacht: OKW*)

Chief of High Command (*Chef
des Oberkommandos der Wehr-
macht*) WILHELM KEITEL

Chief of Operation Staff (*Chef des Wehrmachtfuehrungsstabes*) ALFRED JODL
 Deputy Chief WALTER WARLIMONT

B. ARMY HIGH COMMAND (*Oberkommando des Heeres: OKH*)

C. in C. Army
 (*Oberbefehlshaber des Heeres*) ADOLF HITLER (predecessors, Walter von Brauchitsch, Werner von Fritsch)

Chief of Staff, Army (*Chef des Generalstabes des Heeres*) HANS KREBS (predecessors, Heinz Guderian, Kurt Zeitzler, Franz Halder and Ludwig Beck)

C. NAVY HIGH COMMAND (*Oberkommando der Kriegsmarine: OKM*)

C. in C. Navy (*Oberbefehlshaber der Kriegsmarine*) KARL DOENITZ (predecessor, Erich Raeder)

Admiralinspekteur ERICH RAEDER (after 1943)

4. INDEX OF INDIVIDUALS

ABETZ, OTTO

German Ambassador to the Petain Government.

AMANN, MAX

Reich Leader for the Press (*Reichsleiter fuer die Presse*); President of the Reich Press Chamber (*Praesident der Reichspressekammer*); Head of Central publishing house of the Party (*Zentral Verlag, Franz Eher Nachf.*)

ARNIM, JURGEN von

Generaloberst 1941-2; leading Panzer units in Russia, Jan. 1943; Commander in Tunis; surrendered May 1943.

AXMANN, ARTHUR

Reich Youth Leader (*Reichsjugendfuehrer*) since 1940.

BACH-ZELEWSKI, ERICH, von dem

General of Police and of Waffen-SS; Chief of Anti-Partisan Units on the entire Eastern front, 1943-44; in charge of the defense of Warsaw until it was liberated; commander of a Waffen-SS Corps on the Western front.

BACKE, HERBERT

Acting Reichsminister for Food; in charge of Ministry of Food and Agriculture; Head of Reichsnaehrstand.

BERGER, GOTTLIEB

Chief of Central Office of SS; SS-Obergruppenfuehrer; General d. Waffen-SS; Inspector-General of Prisoners of War; head of Policy Division of Reich Ministry for Eastern Territories.

BEST, DR. WERNER KARL

German Plenipotentiary in Denmark.

BLASKOWITZ, JOHANNES

Generaloberst.

BLOMBERG, WERNER EDWARD FRITZ von

Generalfeldmarschall; Minister of War until Feb. 4, 1938.

BOCK, FEDOR von

Generalfeldmarschall.

BODENSCHATZ, KARL HEINRICH

General in Air Corps; Chief of Staff to Goering.

BOHLE, ERNST WILHELM

Staatssekretaer in Foreign Office; Gauleiter, Head of Foreign Organization (AO) of NSDAP.

BORMANN, MARTIN

Secretary of the Fuehrer; Head of the Party Chancery; Member of Cabinet vested with power of Reich Minister; Ministerial Council for Defense of the Reich; Reichsleiter; Executive Head of the Volkssturm; member of the Reichstag; SS Gruppenfuehrer.

BOUHLER, PHILIPP

Chief of the Chancery of the Fuehrer; Reichsleiter; Chief of the Party Censorship Committee for the Protection of NS Literature; Chief of the Study Group for the German History Book and educational material.

BRANDT, DR. KARL

Reich Commissioner for Health and Medical Services; SS Standartenfuehrer.

BRUCHITSCH, WALTER HEINRICH HERMANN ALFRED von

Generalfeldmarschall, Retired December 1941; formerly C. in C. Army (OKH).

BRUEGMANN, DR. ARNOLD

Chief of the Archives of the Party; Divisional Head in the Reichsstudentenfuehrung.

BUCH, WALTER

Reichsleiter; Supreme Party Judge; Advisor on Population and Racial Policy; SS Obergruppenfuehrer.

BUMKE, DR. ERWIN

President of the Supreme Court, Leipzig.

BURGDORFF, WILHELM

General d. Infanterie; Head of Personnel Division, OKH; Chief Military ADC. to Hitler.

BUSCH, ERNST

Generalfeldmarschall.

CANARIS, WILHELM

Admiral; Head of Intelligence in OKW (Abwehr); removed from post and executed.

CONTI, DR. LEONARDO

Staatssekretaer and Chief of Health Divisions (Abteilungen III & IV), Reich Ministry of the Interior; Head of Public Health Department of Party Reichsleitung.

DALUEGE, KURT

Chef der Ordnungspolizei; (Deputy) Reich Protector of Bohemia-Moravia; Generaloberst d. Polizei; SS-Oberstgruppenfuehrer; since 1943 on "long leave."

DARRE, WALTER RICHARD OSKAR

Reichsleiter; Reichsbauernfuehrer; Reich Minister for Food and Agriculture; Head of Reichsnaehrstand; on leave since April 1942.

DIETRICH, DR. OTTO

Staatssekretaer; Chief of Press Divisions in Reich Ministry of Propaganda; Press Chief of Reichsregierung; Reichsleiter; Reich Press Chief of NSDAP.

DITTMAR, KURT

Generalleutnant; in Propaganda Division of the OKH; broadcaster of weekly military commentaries.

DOENITZ, KARL

Grossadmiral and C. in C. of OKM after 1943; previously C. in C. of Submarine Arm of German Navy; Head of Government formed in May 1945.

DORPMUELLER, DR. JULIUS

Reich and Prussian Minister of Transport; Director-General of German State Railways.

DORSCH, XAVER FRANZ

Ministerialdirektor in Reich Ministry for Armaments and War Production; Head of Field Command in Organization Todt.

EICHMANN, ADOLF

Head of Dept. IV A4 of RSHA, and Chief of Sub-section "b" thereof charged with "The Solution of the Jewish Question".

EPP, FRANZ, RITTER von

Reichsleiter; Reichstatthalter Bayern; SA-Obergruppenfuehrer; Head of Colonial Policy Office of Party; General der Infanterie.

ESSER, HERMANN

Staatssekretaer and head of Tourists Division in Reich Propaganda Ministry; Praesident of "Reich Group Tourist Traffic" (Fremdenverkehr); Vice-President of the Reichstag; State Minister (ret'd).

FALKENHAUSEN, ALEXANDER von

Generaloberst—Commander of Belgium and Northern France.

FALKENHORST, NIKOLAUS von

Generaloberst—Commander in Norway.

FIEHLER, KARL

Reichsleiter; Chief of the Party Department for Municipal Policy; SS-Obergruppenfuehrer; Chairman of the Congress of German Municipalities; Oberbuergermeister Muenchen; Member of the Academy for German Law.

FISCHER, ERICH

Head of Home Press Division in the Reich Propaganda Ministry; Head of office for "German Press" in the Press Department of the Government; Head of Political Press section with Reichspressechef (RL).

FISCHER, HUGO

Head of Culture and Exhibitions sections in Reich Propaganda Department of RL.

FOSTER, ALBERT

Gauleiter, Reichstatthalter and Reichsverteidigungskommissar Danzig-Westpreussen.

FRANK, DR. HANS

Governor-General of Poland; Reichsleiter until 1942; Reich Minister without portfolio; SS-Obergruppenfuehrer; President of the International Chamber of Law (1941-42) and of Academy of German Law; Member of the Reichstag; Leader of National Socialist Lawyers Bund (1933-1942).

FRANK, KARL-HERMANN

German Minister of State with rank of Reich Minister; Hoehrer SS und Polizeifuehrer "Protectorate" and Sudetenland.

FREISLER, DR. ROLAND

President of the People's Court; Prussian State Councillor; Member of the Academy of German Law.

FRICK, WILHELM

Minister of Interior (1933-1943); Reichsprotector of Bohemia and Moravia; Reichsdirektor of Elections (1933-1943); SS-Obergruppenfuehrer; Reichsleiter; Head of Nazi Reichstag Delegation; Member of Reich Defense Council; General Plenipotentiary for the Administration of the Reich (1935-1943); Reichsminister without Portfolio (1943-1945).

FRIEDRICHS, DR. HELMUT

Head of Section for Internal Party affairs in and deputy head of Chancellery of the Party.

FRITZSCHE, HANS

Ministerialdirektor, Reich Ministry of Propaganda; Plenipotentiary for the Political Supervision of Broadcasting in Greater Germany; head of Broadcasting Division in Propaganda Ministry.

FUNK, DR. WALTER

Reich Minister of Economics; Member of the Ministerial Council for Defense of the Reich; Plenipotentiary for Economics; President of the Reichsbank; Vice-President of the Reich Chamber of Culture; formerly Chief of Press of the Reich Government (1933-1937); member of Reichstag (1932-1933); and State Secretary in the Ministry for Public Enlightenment and Propaganda (1933-1937).

GLAISE-HORSTENAU, DR. h. c. EDMUND von

General der Infanterie; SA-Gruppenfuehrer; Minister in Seyss-Inquart Cabinet; German General Plenipotentiary in Austria in 1944.

GLUECKS, RICHARD

Chief of "Amtsgruppe D" in the Economic and Administrative Main Office (Wirtschafts- and Verwaltungshauptamt) of SS; Commander of Concentration Camps; SS-Gruppenfuehrer; General-leutnant d. Waffen-SS.

GOEBBELS, DR. PAUL JOSEF

Reich Minister of Public Enlightenment and Propaganda; Member of the Secret Cabinet Council; Chairman of the Interministerial Committee on Air-Raid Damage; Reichspropagandaleiter of the NSDAP; Reichsleiter; President of the Reich Chamber of Culture; Stadtpraesident, Gauleiter, Reichsverteidigungskommissar of Berlin; Reich Plenipotentiary for Total War Effort.

GOERING, HERMANN WILHELM

Successor designate No. 1 to Hitler; Reich Minister for Air; President of the Ministerial Council for the Defense of the

Reich; member of the Secret Cabinet Council; Reich Forest Master; Commander-in-Chief of the Air Force; Prime Minister of Prussia; President of the Prussian State Council; President of the Reichstag; Plenipotentiary for the Four Year Plan; Head of the "Reichswerke Hermann Goering"; Reichsmarschall; SS-Obergruppenfuehrer; SA-Obergruppenfuehrer.

GREIM, ROBERT RITTER v.

Generaloberst, C.-in-C. of the Air Force (OKL) 1945.

GROSS, DR. WALTER

Head of Racial Policy Department of the Party; high official in the Chancery of the Party; Hauptdienstleiter; Head of the Science Division in Ideology Department (Amt Rosenberg).

GUDERIAN, HEINZ

Generaloberst, Chief of Staff of the Army (OKH).

GUENTHER, DR. HANS K. F.

Professor of racial science at Jena.

HAENEL

Head of Amt II, Reich Main Security Office; SS-Obersturmbannfuehrer.

HALDER, FRANZ

Colonel-General; Chief of Staff of OKH (until summer 1942).

HANNEKEN, HERMANN von

General der Infanterie; Military Commander in Denmark until 1945.

HAUSHOEFER, DR. KARL

Professor; Generalmajor (retd); President of Society for Geopolitics; Publisher of periodical "Die Geopolitik."

HENLEIN, KONRAD

Gauleiter and Reichsstatthalter Sudetenland; SS-Obergruppenfuehrer; member of the Reichstag.

HESS, RUDOLF

Successor Designate No. 2 of the Fuehrer; Deputy of the Fuehrer for all Party affairs; Reich Minister; member of the Reichstag until 1941.

HEYDRICH, REINHARDT

Formerly SS-Obergruppenfuehrer and Chief of the RSHA.

HIERL, KONSTANTIN

Reichsleiter; Reichsarbeitsfuehrer; Reichsminister; member of the Reichstag; Generalmajor.

HIMMLER, HEINRICH

Reichsfuehrer SS und Chef der Deutschen Polizei; Reich Commissar for the Strengthening of German Folkdom; Reich Min-

ister of the Interior; Reichsleiter; Chief of the Replacement Army; Military Chief of the Volkssturm.

HITLER, ADOLF

Fuehrer u. Reichskanzler; Fuehrer of NS Party and Movement; Commander-in-Chief of the Wehrmacht; Commander-in-Chief of Army; Chief of Cabinet; Chief of Reich Defense Council; Chief of SA.

HOSSBACH, FRIEDRICH

General der Infanterie.

JODL, ALFRED

Colonel-General (1944); Chief of Operation Staff of High Command of OKW (1939-1945).

JUETTNER, HANS

Head of SS Operational Main Office and Command of the Combat SS; Permanent Deputy to Himmler as Commander of the Replacement Army; SS-Obergruppenfuehrer; General d. Waffen-SS.

JUETTNER, MAX

Chief of SA Command and Permanent Deputy of the Chief of Staff; Chief of Mounted SA; SA-Obergruppenfuehrer; Member of the Reichstag.

KALTENBRUNNER, DR. ERNST

Chief of Security Police and Security Service; Chef des Reichssicherheitshauptamtes (Reich Security Main Office); Member of the Reichstag; SS-Obergruppenfuehrer; General der Polizei.

KEITEL, WILHELM

Generalfeldmarschall; Chief of the High Command of the Armed Forces (OKW); Member of Cabinet with rank of Reichsminister; Member of Secret Cabinet Council; Member of Ministerial Council for Defense of the Reich; Member of Reich Defense Council.

KESSELRING, ALBERT

Generalfeldmarschall; C-in-C. South West and Army Group C.

KITZINGER, KARL

General der Flieger.

KLAGGES, DIETRICH

Ministerpraesident, Minister of the Interior, of Finance and of Education, in Braunschweig; SS-Obergruppenfuehrer.

KLEIST, EWALD von

Generalfeldmarschall.

KLOPPER, DR. GERHARD

Ministerialdirektor; Staatssekretaer and Expert for Govern-

ment Affairs in Party Chancery; Oberdienstleiter; SS-Gruppenfuehrer.

KOCH, ERICH

Oberpraesident and Gauleiter of Ostpreussen; Reich Defense Commissioner for Wehrkreis I; SS-Gruppenfuehrer; Reich Commissioner of Ukraine, Bialystak.

KOERNER, PAUL

Staatssekretaer to the Plenipotentiary for the Four Year Plan (Goering); Prussian State Councillor; Chairman, board of directors, Hermann Goering Werke Saltzgitter; SS-Obergruppenfuehrer.

KRAUCH, DR. KARL

Plenipotentiary of the Board of the Four Year Plan for questions of chemical production; acting head of the Department for Expansion of Economic Life (Wirtschaftsaufbau); Chairman, board of directors, I. G. Farben; Wehrwirtschaftsfuehrer.

KRAUS, ERWIN

Commander-in-Chief of the NSKK; Inspector for Motor Training in the Volkssturm; Member of the Reichstag; Plenipotentiary for Motor Transport in War Industry (under the Four Year Plan).

KREBS, HANS

General der Infanterie; Chief of Staff of OKH.

KRUPP von BOHLEN und HALBACH, ALFRED

President of Friedrich Krupp Company, took over sole ownership in 1943; Deputy Chairman of the Board of Directors of the Reichsvereinigung Eisen; joined NSDAP in 1936.

KRUPP von BOHLEN und HALBACH, GUSTAV

Chairman of Board of the Friedrich Krupp A.G.; Pioneer of Labor; awarded Party's Golden Honor Badge and the Eagle Shield of the Reich.

LAHOUSEN, ERWIN

Generalmajor; Assistant to Admiral Canaris, Head of Intelligence Section OKW (Abwehr); became Chief of Abwehr Section II in 1939.

LAMMERS, DR. HANS HEINRICH

Reichsminister; Chief of the Reich Chancery; SS-Obergruppenfuehrer; Member of and Secretary to the Secret Cabinet and the Ministerrat fuer die Reichsverteidigung; Preussischer Staatsrat; member of the Academy of German Law.

LANGE, DR. KURT

Commissioner for Currency, Banking, Insurance in Reich Ministry of Economics; Vice-President of Reichsbank; Deputy

- President of Deutsche Gold-Discont Bank; NSFK-Brigade-fuehrer.
- LEY, ROBERT**
Reichsleiter; Chief, Party Organization; Leader of the German Labor Front; Reich Housing Commissioner; SA-Gruppen-fuehrer.
- LINDEMANN, GEORG**
Generaloberst; C.-in-C. Denmark beginning of 1945.
- LINDEMANN, KARL**
President of the Reich Chamber of Commerce; Stattsrat; Chairman Board of Directors, Atlas Werke AG. and Norddeutscher Lloyd.
- LOEHR, ALEXANDER**
Generaloberst der Luftwaffe; C.-in-C. of an Army Group in the South East.
- LOHSE, HINRICH**
Gauleiter, Oberpraesident, and Reich Defense Commissioner Schleswig-Holstein; Reich Commissioner "Ostland"; SA-Obergruppenfuehrer; President of the Nordic Society.
- LUETZOW, FRIEDRICH von**
Vice-admiral; Radio Commentator on Naval matters.
- MACKENSEN, EBERHARD von**
Generaloberst.
- MANSTEIN, FRITZ, ERICH von LEWINSKY**
Generalfeldmarschall, Army Group South (early 43-April 44).
- MEISSNER, DR. OTTO LEBRECHT**
Staatsminister; Chef der Praesidialkanzlei, curator of Political Academy (Berlin); president of Italo-German Society; member of the Academy of German Law.
- MEYSSNER, AUGUST**
Hoeherer SS and Polizeifuehrer Serbia; SS-Obergruppenfuehrer; Generalleutnant der Polizei; member of People's Tribunal.
- MILCH, ERHARD**
Generalfeldmarschall; Staatssekretaer and permanent deputy to the Reich Minister of Air; Inspector General of the Air Force; member of the Armaments' Council.
- MODEL, WALTER**
Generalfeldmarschall; G. in C. of an Army Group in the West.
- MUELLER, HEINRICH**
Heap of Amt IV (Gestapo), Reichssicherheitshauptamt (RSHA); SS-Gruppenfuehrer; Generalleutnant der Polizei.
- MUSSERT, ANTON**
Founder of Dutch Nazi Party in 1931; in December 1942 received the title of "Leader of the Dutch people" from Hitler.

NEUHAUSEN, DR. FRANZ

General Plenipotentiary for Economics in Serbia (under the Four-Year Plan); Consul-General; Chairman of the Board of the Yugoslav Bank; head of Military Administration in the South East.

NEURATH, CONSTANTIN H. K. FREIHERR von

Reichsminister without Portfolio (formerly Reichsminister of Foreign Affairs 1932, 1933, 1938); President of the Secret Cabinet Council; Member of Reich Defense Council; Reich Protector for Bohemia and Moravia, 1939-1943.

OHLENDORF, OTTO

Head of Amt III, SD (Security Service) of Reich Main Security Office; permanent deputy to the Staatssekretaer Reich Ministry of Economics; SS-Gruppenfuehrer; Generalleutnant d. Polizei.

OHNESORGE, DR. WILHELM

Reich Post Minister.

PAPEN, FRANZ von

Vice-chancellor and member of Cabinet (Feb. 1933-July 1934); Commissar for Saar District Plebiscite; Minister to Austria; Ambassador with special mission 1936-1938; Ambassador at large; Ambassador to Turkey after 1939.

PAULUS, FRIEDRICH

Generalfeldmarschall, captured at Stalingrad.

PEUCKERT, RUDI

Head of Labor Division, Reich Ministry of Occupied Eastern Territories; in charge of Agricultural Manpower under the Plenipotentiary for Manpower.

PFEIFFER, HANS

Personal Adjutant to the Fuehrer; SS-Hauptsturmfuehrer.

POHL, OSWALD

Chief of Administration and Economic Main Office of SS; Ministerialdirektor Reich Ministry of the Interior; SS-Obergruppenfuehrer; General der Waffen SS.

RAEDER, ERICH, DR. h .c.

Grossadmiral and Chief of OKM until 1943; thereafter Admiralinspekteur of German Navy; wearer of Golden Party Badge of Honor; Member of Cabinet with rank of Reichsminister; Member of Secret Cabinet Council.

RAINER, DR. FRIEDRICH

Reichsstatthalter, Gauleiter and Reichsverteidigungskommissar of Kaernten; head of Zivilverwaltung, North-West Yugoslavia; Supreme Commissioner "Adriatisches Kuestengebiet"; SS-Obergruppenfuehrer.

RASCHER, SIGMUND, DR.

Hauptsturmfuehrer in the Air Forces, later transferred to the SS; in charge of experiments on human beings at Dachau Concentration Camp.

REINECKE, HERMANN

General der Infanterie; Chief of the General Department of OKW (Allgemeines Wehrmachtamt); Chief of the NS Political Guidance Staff OKW; honorary member of the Special Senate of the People's Tribunal.

REINHARDT, FRITZ

Staatssekretaer and head of Abteilung V, Reich Minister of Finance, Berlin; expert on Labor Problems, Finance and Taxation in the Party Chancery; SA Obergruppenfuehrer; Member of Reichstag; Hauptdienst-leiter of Party.

REINHARDT, GEORG HANS

Generaloberst.

RIBBENTROP, JOACHIM von

Minister for Foreign Affairs (1938-1945); Ambassador to Great Britain (1936-1938); Ambassador at Large (1935-1938); Special Delegate for Disarmament Questions (1934-1937); Member of the Secret Cabinet Council; Member of the Fuehrer's Political Staff at General Headquarters (1942-1945); Member of Reichstag; SS-Obergruppenfuehrer.

RICHTHOFEN, WOLFRAM, Frhr. von

Generalfeldmarschall.

RIECKE, HANS-JOACHIM

Head of Food and Agriculture Division, Reich Ministry of Occupied Eastern Territories; Staatssekretaer in Reich Ministry of Food and Agriculture; SA-Gruppenfuehrer.

RINTELEN, EMIL von

Minister (Gesandter) (for special duties); deputy head of the political division, Foreign Office.

ROEHM, ERNST

Reichsminister, Staatskommissar, Staatssekretaer, Staatsrat, Stabs chef der SA; Shot June 30, 1934 for alleged conspiracy.

ROSENBERG, ALFRED

Reich Minister for the Occupied Eastern Territories; Reichs-leiter; head of RL Departments for Foreign Policy and for Ideology; SS-Obergruppenfuehrer; SA-Obergruppenfuehrer.

RUNDSTEDT, KARL RUDOLF GERD von

Generalfeldmarschall.

RUST, DR. BERNHARD

Reich Prussian Minister of Science and Education; SA-Obergruppenfuehrer.

SAUCKEL, FRITZ

Reichsstatthalter, Reich Defense Commissioner and Gauleiter of Thuringia; Plenipotentiary-general for Manpower (Four Year Plan); SS-Obergruppenfuehrer; SA-Obergruppenfuehrer; member of Reichstag.

SCHACHT, HJALMAR

Reich Minister without portfolio until 1943; formerly Minister of Economics, President of the Reichsbank, and General Plenipotentiary for the War Economy.

SCELLENBERG, WALTER

Chief of Security Service, Occupied Territories (Amt VI) in Reich Main Security Office; Chief of Military Office RSHA; SS-Brigadefuehrer.

SCHIRACH, BALDUR von

Reichsleiter for Youth Education; Reichsleiter; Reich Defence Commissioner; Reichstatthalter; Mayor and Gauleiter of Vienna; Member of Reichstag; SA-Obergruppenfuehrer; Leader of Hitler Jugend, and Leader of Youth in the German Reich.

SCHMIDT, DR. PAUL (II)

Chief of the Bureau of the Reich Foreign Minister with the rank of Gesandter; Ministerialdirigent; attached to Foreign Office, acted as Hitler's personal interpreter in all diplomatic negotiations.

SCHMUNDT

Chief of Army Personnel Dept., Generalleutnant, later Hitler's adjutant.

SCHULZ, ERWIN

Head of Amt I (Personnel) of Reich Main Security Office (Reichssicherheitshauptamt); SS-Brigadefuehrer.

SCHWARZ, XAVER FRANZ

Reich Treasurer of the Party; Reichsleiter; SS-Oberstgruppenfuehrer; SA-Obergruppenfuehrer.

SCHWERIN von KROSIGK, LUTZ GRAF

Reich Minister of Finance; Reich Minister for Foreign Affairs (since May 1945).

SELDTE, FRANZ

Reich Labour Minister; Labour Minister for Prussia; SA-Obergruppenfuehrer.

SEYSS-INQUART, DR. ARTUR

Reich Commissioner for the Occupied Netherlands; Reich Min-

ister without portfolio; SS-Obergruppenfuehrer; member of the Reichstag; Minister in Austrian Cabinet.

SIMON, GUSTAV

Chief of Civil Administration, Luxembourg; Reichsstatthalter, Reichsverteidigungskommissar and Gauleiter of Moselland.

SPEER, ALBERT

Reichleiter; Reichsminister for Armaments and War Production; head of the Organisation Todt; General Plenipotentiary for Armaments in the Four Year Plan; head of Armaments Office of German High Command; member of Reichstag; member of Central Planning Board; wearer of Golden Badge of Honor of Party.

SPERRLE, HUGO

Generaldfeldmarschall, Third Air Fleet.

STOEHR, WILHELM

Reichsstatthalter and Gauleiter, Westmark.

STRASSER, GREGOR

Leader of Storm Troops (SA) in Lower Bavaria; Reich Organization Leader until 1932; executed on June 30, 1934.

STREICHER, JULIUS

Gauleiter of Franconia; Editor and Publisher of *Der Stuermer*; SA-General; member of Reichstag.

STUCKART, DR. WILHELM

Leading Staatssekretaer in Reich Ministry of Interior Territories; Head of the Abteilung II in this ministry.

STUDENT, KURT

Generaloberst; G. in C. of Army Group "H" on Western Front.

STUMPF, HANS-JUERGEN

Generaloberst; C.-in-C, of Air Fleet "Reich"; member of the People's Tribunal.

TERBOVEN, JOSEF

Gauleiter Essen; Reich Commissioner for Occupied Norway; SS-Gruppenfuehrer.

THIERACK, DR. OTTO GEORG

Reich Minister of Justice; SS-Brigadefuehrer; SA-Gruppenfuehrer; President of the Academy for German Law; Head of NS Lawyer's League.

THOMA, WILHELM RITTER von

General der Panzertruppen.

THOMAS, GEORG

General der Infanterie; head of Economy and Armaments Division, OKW (until Oct. 1944); member of the Armaments Council.

TODT, FRITZ

Reichsleiter; 1940 Reich Minister for Armaments and Munitions; killed in 1942 in crash.

UIBERREITHER, DR. SIEGFRIED

Reichsstatthalter, Reichsverteidigungskommissar and Gauleiter of Steiermark; Head of Civil Administration in Untersteiermark.

UTIKAL

Staff Official in Rosenberg's Ministry for Occupied Eastern Territories, Chief of Staff of "Einsatzstab Rosenberg".

VIETINGHOFF-SCHEEL, OTTO-HEINRICH von

Generaloberst; C.-in-C. "South".

WAGNER, ROBERT

Reichsstatthalter, Reichsverteidigungskommissar and Gauleiter of Baden; Chief of Civil Administration in Alsace.

WARLIMONT, WALTER

General; Deputy Chief of Operations Staff of OKW.

WEICHS, MAXIMILIAN, Freiherr, von

Generalfeldmarschall, Commander in Chief, Southeast and Army Group F.

WEISAECKER, ERNST FREIHERR von

German Ambassador to the Holy See.

WIEDEMANN, FRITZ

German Consul General in Tientsin and San Francisco; formerly Adjutant to Hitler.

WINKLER, KARL

Manager of the Party Chancery.

WISLICENY, DIETER

Hauptsturmfuehrer in Slovakia; Specialist on Jewish matters in Slovakia with Amt IV A4, Reichssicherheitshauptamt (Reich Main Security Office) 1940-1944.

WOLFF, KARL

Supreme SS and Police commander in Italy; Commander of the Italian SS Legion; General of the Waffen-SS at the Fuehrer's Headquarters; chief of the personal staff of the Reichsfuehrung SS; SS-Obergruppenfuehrer.

ZEITZLER, KURT

Generaloberst.

CODE NAMES AND WORDS USED BY THE GERMAN HIGH COMMAND FOR OPERATIONS AND MEASURES DURING THE WAR

ACHSE	Measures to be taken when Italy declared a separate armistice.
ADLER	Capture of coast between Zara and Fiume.
AFRIKA	Two Italo-German convoys from Italy to Tripoli/Bengasi, end of December 1941.
AIDA	Occupation of Egypt and the Suez Canal.
ALARICH	Occupation of North Italy and Unoccupied France.
ALPENVEILCHEN	Invasion of Albania.
ANGELHAKEN	(a and b) Attacks on British ships in the North Atlantic by Scharnhorst, Gneisenau, Hipper, etc. December 1940-January 1941.
ANTON	Occupation of Unoccupied France, with Italian cooperation.
ATTILA	Occupation of Unoccupied France; renamed ANTON on 17 June 1942 when land and sea operations were separated.
AUGSBURG	Delay attack, in Operation GELB.
AURORA	"Luetzow" operating against UK-Russian Convoys in 1942.
BARBAROSSA	Attack on Russia.
BEOWULF	(I & II) Occupation of East Baltic Islands, 5 November 1941.
BERLIN 11.....	(a and b) Attacks on British ships in the North Atlantic by Scharnhorst, Gneisenau, Hipper, etc. December 1940-January 1941.
BIRKE	Withdrawal of troops from Finland.
BLAUFUCHS	Attacks in Baltic Islands and near Finland.
BLUECHER	Part of planned attack on Caspian Sea, 1942.
BRAUNSCHWEIG	Operation around Stalingrad.

CERBERUS	Transfer of "Scharnhorst, Gneisenau, and Prinz Eugen" through the English Channel, 1942.
CHURCHILL	Danish fishing vessel "Sursum Corda" spying on English Coast and later called ERICH.
CORSI/CORSO	Part of operation GRUEN.
DANZIG	Execute attack, in Operation GELB.
DELPHIN	Clearance of Dalmation Islands.
DOMINO	"Scharnhorst and Gneisenau" operating against UK-Russia convoys in 1942. Name changed from FRONT-THEATER.
DOPPELSCHLAG	Scheer and Hipper operating in Arctic, 1942.
EDELWEISS	Operation around Baku and Caspian Sea.
EICHE	Rescue of Mussolini, 1943.
EISBAER	Attack on Cos, 1943.
EISENBAHN	Moving of the "Hipper" to Drontheim.
ELISABETH	Blockade running, Bay of Biscay, 1943.
EISPALAST	"Koeln" operating against UK-Russia convoys. Name changed to MEISENBALZ, 1942
ERICH	See CHURCHILL.
EUROPA	Part of operation SEEKRIEG, planned landing on East English coast.
FELIX	Occupation of Canary Islands, North Africa, and Gibraltar.
FEUERZANGE	Combing out certain Adriatic Islands.
FEUERZAUBER	Capture of Leningrad.
FISCHREIHER	Operations along the Volga, to Astrakan.
FLIEGERPILZ	Intended mining of Dardanelles, September 1944.
FREISCHUETZ	Capture of Vis and other Adriatic Islands, 1943.
FRISCHES HAFF	Defense of Danzig.
FRONTTHEATER	See DOMINO.
GANGES	Operation in French area.
GELB	Invasion of Holland, Belgium, and Luxembourg.
GISELA	Occupation of Spain.
GRUEN	Invasion of Czechoslovakia.

GUSTAV	The plan to assassinate Gen. Giraud.
HAIFISCH	Attacks diversionary to BARBAROSSA by troops from Norway against Scotland, 1941.
HARPUNE	See HAIFISCH.
HECHT	See ANGELHAKEN.
HEFTNADEL	See ANGELHAKEN.
HEKTOR	Attacks on Arctic convoys.
HERBSTREISE	Landing on Scotch Coast; diversion to SEELOEWE.
HERBSTSTURM	Evacuation of Adriatic coast.
HERKULES	Attack on Malta, 1942.
HOFFNUNG	Naval operations in Baltic and North Sea, against Convoy P.Q. 19.
HOLZAUGE	Meteorological expedition to Greenland.
IKARUS	Invasion of Iceland—planned 1940.
ILONA	Defense measures against an Allied invasion of Spain, changed from ISABELLA in June, 1942.
ISABELLA	See ILONA.
JUNO	Norwegian operations, 1940.
KIRSCHBLUETE	Voyage of Japanese submarines to Europe.
KONSTANTIN	Occupation of Italian-occupied Balkan territories; changed from PRINZ EUGEN.
KORALLE	Unidentified operation circa February 1944.
KAMELIE	Projected annexation of Corsica, 1941.
KORSIKA	See GANGES.
KURFUERST	Projected operation against Gibraltar.
LABYRINTH	See GANGES.
LACHSFANG	Attack on Murmansk railroad near Kandalakscha.
LANDWIRT	Naval operational group in Mediterranean, 1943-44.
MANDARINE	See GANGES.
MARCO POLO	Operation involving collaboration with Japan.
MARITA	Invasion of Greece, 1941.
MEISENBALZ	See EISPALAST.
MERKUR	Invasion of Crete, 1941.
META	Ship cruising in Swedish water gathering various information, 1935.

MONSUN	Operation involving use of Japanese Bases.
NAUMBURG	Capture of Narvik, 6 June 1940.
NORD	Operation in Norway.
NORDLICHT	Withdrawal of troops from Norway.
NORDMARK	Bergen/Shetland Islands operations, 1940.
NORDWEST	A planned landing in England.
OLDENBURG	The economic counterpart of BARBAROSSA.
OTTO	Annexation of Austria, 1938; also frequently refers to the Spanish Civil War, 1936-38.
PRINZ EUGEN	See KONSTANTIN.
REGENBOGEN	Attacks against Arctic convoy, P.Q. 20, 1942 and 31 December 1943.
RENNTIER	Operation Norway, 1941 (blocking Kola Bay).
RHEINUEBUNG	Operations of the Bismarck.
ROESSELSPRUNG	Attacks on convoys (P.Q. 17), 1942.
ROT	The main effort in the West.
ROTBUCHE	Defense of German bases in Estonia.
SAFARI	Counter measures against Danish sabotage.
SCHAMIL	Paratrooper attack around Maikop.
SCHLESWIG	Part of operation SEEKRIEG (Landing on East English coast) including attack on Norwegian convoy, February 1940.
SEELOEWE	Invasion of Great Britain.
SILBERFUCHS	Operation in Norway, 1941 (cutting off Murmansk).
SILBERSTREIFEN	Naval operations in Baltic and North Sea, against convoy P.Q. 15.
SK	(SEEKRIEG?) Invasion of East Coast of England.
SONDERSTAB F	Military mission to assist Iraq rebellion 1941.
SONNENBLUME	Capturing Tripoli and Malta (1941).
SPORTPALAST	Transfer of capital ships to Norway.
TAIFUN	Autumn 1941 attack against Timoshenko army.

TAMARA Encouraging and preparing revolt of natives in the Georgian Republic, June 1941.

TANNE Withdrawal of troops from Finland.

TANNE OST (*Aufgabe Hochland*) Occupation of Eastern Russia.

THESEUS Attack by all arms in North Africa, May 1942.

TIRPITZ Operation against Convoy P.Q. 12, 6-9 March 1942 and return from Narvik to Drontheim on 13 March 1942.

TORERO See GANGES.

WALLENSTEIN See LANDWIRT.

WEISS Invasion of Poland.

WESERUEBUNG Invasion of Norway.

WESTRAUM Defense operation in France, 1944.

WIESENGRUND Attack on Northern Russia.

WIKINGER Attack on fighting vessels, Dogger Bank, February 1940.

WUNDERLAND Operations in White Sea, August 1942.

ZAREWNA/ZARIN Mining operations, Murmansk Sea, 1942.

DATA CONCERNING CAPTURE OF DEFENDANTS

Name of defendant	Date of internment	Place of internment	Nation taking custody
Doenitz	23 May 1945	Flensburg	Joint British & American
Frank	30 April 1945	Neuhaus, Ober Bayern	U. S.
Frick	2 May 1945	Kempenhausen	U. S.
Fritzsche	2 May 1945	Berlin-Tempelhof	Russia
Funk	13 May 1945	Gastein	U. S.
Goering	8 May 1945	Zell Am See	U. S.
Hess	10 May 1941	Eaglesham, Scotland	British
Jodl	23 May 1945	Flensburg	British & American
Kaltenbrunner	9 or 10 May 1945	Aussee	U. S.
Keitel	13 May 1945	Flensburg	British & American
Raeder	16 May 1945	Potsdam-Babelsberg	Russia
Rosenberg	18 April 1945	Flensburg	British
Sauckel	10 May 1945	Berchtesgaden	U. S.
Schacht	5 May 1945	Pustertal	U. S.
von Schirach	5 June 1945	Schwaz, Austria	U. S.
Seyss-Inquart	7 May 1945	Hamburg	British
Speer	23 May 1945	Gleveksburg	British
Streicher	22 May 1945	Waldring, Tyrol	U. S.
von Neurath	4 May 1945	Brandt bei Bludenz, Vorarlberg	France
von Papen	8 April 1945	Stocklausen, Ruwa Austria	U. S.
von Ribbentrop	14 June 1945	Hamburg	British
Ley (deceased)	15 May 1945	Schlecling, Rufstein	U. S.

GLOSSARY OF COMMON GERMAN AND NAZI TITLES, DESIGNATIONS, AND TERMS, WITH THEIR OFFICIAL ABBREVIATIONS

Abbreviation	German	English
A		
	<i>Abschnitt</i>	Regional unit of SS and SD (about divisional strength)
Abt.....	<i>Abteilung</i>	Division
	<i>Abteilung Deutsche Presse</i>	German or Home Press De- partment
	<i>Abwehr</i>	Intelligence and counter-intel- ligence department of OKH
ADtsch R.....	<i>Akademie fuer Deutsches Recht</i> ..	Academy for German Law
	<i>Amt</i>	Office
AG.....	<i>Aktien-Gesellschaft</i> ..	Joint Stock Company
	<i>Amtsgericht</i>	Local Court
	<i>Angriffskrieg</i>	War of Aggression
	<i>Anklagebehoerde</i>	Office of Public Prosecutor
	<i>Ausland</i>	The world outside the borders of the Reich
AO.....	<i>Auslands-Organi- sation</i>	Foreign Organization of the NSDAP
	<i>Auslandsdeutsche</i> ..	German citizens residing out- side Germany
APA.....	<i>Aussenpolitisches Amt</i>	NSDAP Bureau for Foreign Affairs
aD.....	<i>ausser Dienst</i>	Retired
AA.....	<i>Auswaertiges Amt</i> ..	Ministry for Foreign Affairs
B		
	<i>Beauftragter</i>	Commissioner, delegate
BdF.....	<i>Beauftragter des Fuehrers fuer die Ueberwachung der gesamten</i>	

Abbreviation	German	English
	<i>geistigen und weltanschaulichen Schulung und Erziehung der NSDAP</i>	Delegate of the Fuehrer for the Total Supervision of Intellectual and Ideological Training and Education of the Party (Rosenberg)
	<i>Beauftragter fuer den Vierjahresplan</i>	Delegate for the Four Year Plan (Goering)
BdO.	<i>Befehlshaber der Ordnungspolizei</i> ..	Commander of the Order Police
BdS.	<i>Befehlshaber der Sicherheitspolizei</i>	Commander of the Security Police
	<i>Befehlsleiter</i>	Rank in Party Administration
	<i>Bereichsleiter</i>	Rank in Party Administration
Bev.	<i>Bevollmaechtigter</i> ..	Plenipotentiary
	<i>Bewegung</i>	The movement, i.e., the Nazi Party, including Party formations, affiliated and supervised organizations
	<i>Block</i>	Smallest unit of the Nazi Party, including several houses
	<i>Blockleiter</i>	NSDAP leader of a block
	<i>Botschafter</i>	Ambassador
BDM	<i>Bund Deutscher Maedel</i>	German Girls' League (female Hitler Youth)
BGB	<i>Buergerliches Gesetzbuch</i>	German Civil Code

C

Ch.	<i>Chef</i>	Chief, head, commander, superior
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Abbreviation	German	English
	<i>Chef der Zivilverwaltung</i>	Head of civil administration (e.g. of an annexed area)
	<i>Chefsache</i>	Classified document for general officer only
D		
DAF	<i>Deutsche Arbeitsfront</i>	German Labor Front
DFW	<i>Deutsches Frauenwerk</i>	German Woman's Organization (sub-organization of the NSF)
DGT	<i>Deutscher Gemeindetag</i>	German Municipal Congress
DHD	<i>Deutscher Handelsdienst</i>	German Commercial Service (News Agency)
DNB	<i>Deutsches Nachrichtenbuero</i>	Official German News Agency
	<i>Dienstleiter</i>	Rank in Party administration
	<i>Drang nach Osten</i>	Drive to the East
	<i>Dreierkollegium</i>	The College of Three (the two Plenipotentiaries for War Economy and Administration, and the Chief of the OKW)
DPK	<i>Deutsche diplomatisch-politische Korrespondenz</i>	German Diplomatic and Political Correspondence (News Agency of the Foreign Office)
DRK	<i>Deutsches Rotes Kreuz</i>	German Red Cross
E		
eh.	<i>ehrenhalber</i>	Honorary

Abbreviation	German	English
	<i>Einsatzgruppe</i>	Special (Gestapo and SD) formation used for special purposes, e.g., executing Nazi race policy, policing and raiding occupied areas
	<i>Einsatzstab</i>	Special Purpose Staff
	<i>Einsatzstab Rosenberg</i>	Rosenberg's staff for looting art treasures
EK	<i>Eisernes Kreuz</i>	Iron Cross
F		
	<i>Freikorps</i>	Illegal terrorist military formations of former officers and ex-servicemen in Germany after World War I
	<i>Fuehrerbefehl</i>	Fuehrer Order
	<i>Fuehrererlass</i>	Fuehrer Edict
	<i>Fuehrererkorps</i>	Corps of political leaders of the NSDAP
	<i>Fuehrerprinzip</i>	Leadership principle of the NSDAP
Fuest.	<i>Fuehrungsstab</i>	Operational Staff
FdR.	<i>Fuer die Richtigkeit</i>	True or accurate copy
G		
	<i>Gau</i>	Largest NSDAP unit; 42 in the Reich and one for all Party groups outside the Reich
	<i>Gauamtsleiter</i>	Administrative head of the Party <i>Gauleitung</i>
	<i>Gauleiter</i>	NSDAP leader of a <i>Gau</i>
	<i>Gauleitung</i>	Center of Party administration in a <i>Gau</i>
	<i>Gaurichter</i>	Judge in a <i>Gau</i> Party Court
	<i>Gauschatzmeister</i>	Treasurer of the Party <i>Gauleitung</i>

Abbreviation	German	English
	<i>Geheimer Kabinettsrat</i>	Secret Cabinet Council
GKos.	<i>Geheime Komman- dosache</i>	Top Secret (military classifica- tion)
	<i>Geheime Reichs- sache</i>	Top Secret (civil classifica- tion)
Gestapo	<i>Geheime Staats- polizei</i>	Secret State Police. The polit- ical police system estab- lished in Prussia and ex- tended throughout t h e Reich and the occupied ter- ritories
	<i>General- beauftragter</i>	Commissioner-General
	<i>Generalbevoll- maechtigter</i>	Plenipotentiary-General
GBA	<i>Generalbevoll- maechtigter fuer den Arbeitsein- satz</i>	Plenipotentiary-General for Labor Allocation (Sauckel)
	<i>Generalbevoll- maechtigter fuer die Kriegswirt- schaft</i>	Plenipotentiary-General f o r War Economy (Schacht)
	<i>Generalbevoll- maechtigter fuer die Reichsver- waltung</i>	Plenipotentiary-General f o r Administration (Frick- Himmler)
GG	<i>Generalgouverne- ment</i>	Government-General (Poland)
	<i>Generalkommissar..</i>	Commissar-General

Abbreviation	German	English
Genst.	<i>Generalstab</i>	General Staff
	<i>Gesandter</i>	Minister (diplomatic rank)
GmbH.	<i>Gesellschaft mit beschraenkter Haftung</i>	Limited liability company
	<i>Gleichschaltung</i>	The process of compulsory coordination of German organizations of all types to conform to the Nazi racial pattern and accept Party control
	<i>Gliederungen der NSDAP</i>	Party Formations
H		
	<i>Hauptstelle</i>	Main Bureau
H. Gr.	<i>Heeresgruppe</i>	Army Group
	<i>Herausgeber</i>	Publisher of a Newspaper or Publishing Firm
	<i>Herrenvolk</i>	Master race
HJ	<i>Hitlerjugend</i>	Hitler Youth
	<i>Hoheitstraeger</i>	NSDAP bearer of sovereignty within a specific area of Party jurisdiction, i. e., a leader of a Gau, Kreis, Ortsgruppe, Zelle or Block
HSSPf.	<i>Hoeherer SS-und Polizeifuehrer</i>	Higher SS—and Police Leader
I		
IA		Operations officer or section; cf. G-3
IB		Supply officer or section; cf. G-1
IC		Intelligence officer or section; cf. G-2
iA.	<i>im Auftrag</i>	By order of (above a signa- ture)

Abbreviation	German	English
iG.	<i>im Generalstab</i>	Attached to the General Staff
iV.	<i>in Vertretung</i>	Per (signature) ; acting for.
K		
KZ	<i>Konzentrations- lager</i>	Concentration Camp
KdF.	<i>Kraft durch Freude</i>	Strength through Joy (German Labor Front subsidiary)
	<i>Kreis</i>	Largest NSDAP subdivision of a <i>Gau</i>
	<i>Kreisleiter</i>	NSDAP leader of a <i>Kreis</i>
	<i>Kriegsmarine</i>	German Navy
Kripo	<i>Kriminalpolizei</i>	Criminal Police
	<i>Kripo-Leitstelle</i>	Regional Criminal Police office, directly under Reich Criminal Police authority
	<i>Kripo-Stelle</i>	Smaller than <i>Kripo-Leitstelle</i> , but also directly under Reich Criminal Police authority
L		
	<i>Land</i>	One of the federal states of Germany (e.g. Prussia, Bavaria, Saxony, etc.)
	<i>Landesgruppe</i>	The Nazi Party organization in any country outside Germany
	<i>Lebensraum</i>	Living space
	<i>Leiter der Parteikanzlei</i>	Chief of the Party Chancellery (Bormann)
Lw.	<i>Luftwaffe</i>	German Air Corps
M		
Mil. Bef.	<i>Militaerbefehlshaber</i>	Military Commander (com-

Abbreviation	German	English
		manding non-operational troops in occupied territories)
	<i>Ministerrat fuer die Reichsverteidigung</i>	Ministerial Council for the Defense of the Reich
	<i>Ministerialdirektor</i> ..	High Civil Servant (chief of a main section of a Ministry)
	<i>Ministerialdirigent</i>	High civil servant, ranking below <i>Ministerialdirektor</i>
	<i>Ministerialrat</i>	High civil servant, ranking below <i>Ministerialdirigent</i>
	<i>Mit deutschem Gruss</i>	With German salute (equivalent to <i>Heil Hitler</i>)
MdR.	<i>Mitglied des Reichstags</i>	Member of the Reichstag
N		
NS	<i>Nationalsozialismus</i>	National Socialism
NSBO	<i>Nationalsozialistische Betriebszellen Organisation</i>	National Socialist Factory Cells Organization
NSDAP	<i>Nationalsozialistische Deutsche Arbeiterpartei</i>	National Socialist German Workers' Party; Nazi Party
	<i>Nationalsozialistischer Deutscher</i>	NS German Students' Bund
	<i>Nationalsozialistischer Dozentenbund</i>	NS University Teachers' Bund

Abbreviation	German	English
NSFK	<i>Nationalsozialistisches Fliegerkorps</i>	NS Flying Corps
NSF	<i>Nationalsozialistische Frauenschaft</i>	NS Women's League
NSK	<i>Nationalsozialistische Korrespondenz</i>	NS Official News Agency
NSKK	<i>Nationalsozialistischer Kraftfahrkorps</i>	NS Motor Corps
	<i>Nurnberger Gesetze</i>	Nurnberg anti-Semitic laws
O		
OB	<i>Oberfeldshaber</i>	Commander in Chief
ObKom.	<i>Oberkommando</i>	High Command
OKL	<i>Oberkommando der Luftwaffe</i>	Air Force High Command
OKM	<i>Oberkommando der Marine</i>	Navy High Command
OKW	<i>Oberkommando der Wehrmacht</i>	Armed Forces High Command
OKH	<i>Oberkommando des Heeres</i>	Army High Command
OSAF	<i>Oberste SA-Fuehrung</i>	Supreme Command of the SA
ORPO	<i>Ordnungspolizei</i>	Order Police
OT	<i>Organisation Todt</i>	Labor Corps organized by Todt
	<i>Ortsgruppe</i>	Largest NSDAP subdivision of a <i>Kreis</i>
	<i>Ortsgruppenleiter</i>	NSDAP leader of an <i>Ortsgruppe</i>
	<i>Ostland</i>	Baltic countries and White Russia
	<i>Ostmark</i>	Austria

Abbreviation	German	English
P		
PPK	<i>Parteiämtliche Pruefungskom- mission zum Schutze des NS- Schriftums</i>	Official Party Examining Commission for the Protec- tion of National Socialist Publications
Pg.	<i>Parteigenosse</i>	Party Member (male)
Pgn.	<i>Parteigenossin</i>	Party Member (female)
	<i>Preussische Gesetzsammlung</i> ..	Prussian Law collection
R		
	<i>Ratsherr</i>	Town Councillor
	<i>Reichsamtsleiter</i>	Head of a department in the Party <i>Reichsleitung</i>
RAD	<i>Reichsarbeitsdienst</i>	Reich Labor Service
RAM	<i>Reichsaussen- minister</i>	Reich Foreign Minister (Rib- bentrop)
RDB	<i>Reichsbund der Deutschen Beamten</i>	German Civil Servant's League
	<i>Reichsdeutsche</i>	German citizens residing in Germany
RFSS	<i>Reichsfuehrer SS</i> ..	Reich Leader of the SS (Himmler)
RGBl.	<i>Reichsgesetzblatt</i> ..	Reich Legal Gazette
	<i>Reichshauptamts- leiter</i>	Head of the central depart- ments of the Party
	<i>Reichsinnen- minister</i>	Minister of Interior (Frick, succeeded by Himmler)
RJF	<i>Reichsjugend- fuehrung</i>	Reich Youth Leadership

Abbreviation	German	English
	<i>Reichskriegsminister</i>	Reich War Minister
RKK	<i>Reichskultur-</i> <i>kammer</i>	Reich Chamber of Culture
	<i>Reichsleiter</i>	Member of the Supreme Party Directorate, in gen- eral the top level leader of an NSDAP function
	<i>Reichsleiter fuer die</i> <i>Jugenderziehung</i> ..	Reich Leader of Youth Edu- cation (von Schirach)
	<i>Reichsleiter des</i> <i>Reichsrecht-</i> <i>samtes</i>	Head of the Legal Office of the Party (Hans Frank)
RL	<i>Reichsleitung</i>	Supreme Party Directorate
RM	<i>Reichsmark</i>	The mark; pre-war value about \$.40
RMfdbO.	<i>Reichsminister fuer</i> <i>die besetzten</i> <i>Ostgebiete</i>	Reich Minister for Occupied Eastern Territories (Rosenberg)
	<i>Reichsministerium</i> <i>fuer Volksauf-</i> <i>klaerung und</i> <i>Propaganda</i>	Reich Ministry for Popular Enlightenment and Propa- ganda (Goebbels)
	<i>Reichsnaehrstand</i> ..	Reich Food Estate (compul- sory association of all per- sons engaged in agricul- ture) (Backe)
	<i>Reichsparteitag</i>	Reich Party Rally (annual Nazi Congress at Nurn- berg)
RPL	<i>Reichspropaganda-</i> <i>leitung</i>	Party Propaganda Depart- ment
	<i>Reichsregierung</i>	Reich Cabinet

Abbreviation	German	English
RRG	<i>Reichs-Rundfunk-gesellschaft</i>	Reich Broadcasting Corporation
RSHA	<i>Reichssicherheits-hauptamt</i>	Reich Main Security Office (Kaltenbrunner)
RT	<i>Reichstag</i>	Reich Parliament
	<i>Reichstatthalter</i>	Reich Governor (of a <i>Land</i> or <i>Reichsgau</i>)
RVR	<i>Reichsverteidigungs-rat</i>	Reich Defense Council
	<i>Reichswehr</i>	The German Army

S

	<i>Schulungslager</i>	A Party training camp for political indoctrination
SS	<i>Schutzstaffel</i>	Elite Corps of NSDAP (black shirts); personal body-guard of the Fuehrer, used for military and policing purposes
SD	<i>Sicherheitsdienst</i>	Security Service; Intelligence and counter-intelligence Agency of SS
SIPO	<i>Sicherheitspolizei</i>	Security police. This was the name given to the Gestapo and Kripo considered jointly
	<i>Staatssekretaer</i>	Under Secretary of a Ministry and permanent civil service head of a ministry
Stalag	<i>Stammlager</i>	Prisoner of War Camp (for enlisted men)
	<i>Standartenfuehrer</i>	Rank in a Party formation, roughly equivalent to Colonel
	<i>Stapo</i>	<i>Gestapo</i> , Secret Police
	<i>Stapo-Leitstelle</i>	Regional <i>Gestapo</i> office, directly under central command of <i>Gestapo</i>

Abbreviation	German	English
SA	<i>Sturmabteilung</i>	Storm Troops of NSDAP (brown shirts)
	<i>Systemzeit</i>	System Era (Nazi designation of the Era of Weimar Republic, 1918-1933)
T		
TV	<i>Totenkopfver- baende</i>	Death-Head units of the SS (Concentration Camp Guards)
TO	<i>Transocean</i>	Transocean (News Agency)
TP	<i>Transkontinent Press</i>	Transcontinent Press (News Agency)
	<i>Treuhaender der Arbeit</i>	Trustee of Labor
U		
	<i>Unterstaats- sekretaer</i>	Civil Servant, of a grade lower than <i>Staatssekretaer</i>
V		
VT	<i>Verfuegunstrup- pen</i>	SS Units for Special Tasks
	<i>Verlag</i>	Publishing House
VOBl	<i>Verordnungsblatt</i>	Ordinance Gazette
	<i>Vierjahrsplan</i>	Four Year Plan
	<i>Volk</i>	Folk, people, race: all persons of German blood
VDA	<i>Volksbund fuer das Deutschtum im Ausland</i>	League for Germanism Abroad
	<i>Volksdeutscher</i>	A person of German blood but of non-German citizenship residing abroad, and con- sidered a member of the German people

Abbreviation	German	English
	<i>Volksgericht</i>	People's Court, Highest Court for Political Crimes
	<i>Volksgemeinschaft</i>	People's or racial community; the world-wide community composing all people of German blood
	<i>Volksgenosse</i>	Racial comrade; a person of German blood regardless of citizenship

W

WSS	<i>Waffen-SS</i>	Combat SS
	<i>Wehrkreis</i>	Military District
	<i>Wehrkreiskommando</i>	Military authority in charge of a <i>Wehrkreis</i>
	<i>Wehrmacht</i>	Armed Forces (Army, Navy, and Air Force)
WFSt	<i>Wehrmacht-Fuehrungsstab</i> ..	Operational Staff of Armed Forces
	<i>Wehrwirtschaftsfuehrer</i>	Title awarded to prominent industrialists for merit in armaments drive
Wi-Rue	<i>Wehrwirtschafts- und Ruestungsamt</i>	War Economy and Armament Office (in OKW)
	<i>Weltanschauung</i>	World-view or philosophy
WHW	<i>Winterhilfswerk</i>	Winter Relief Organization
WVHA	<i>Wirtschafts- und Verwaltungs- Hauptamt</i>	Economic and Administration Main Office (of SS) in charge of Concentration Camps

Z

<i>Zeitung</i>	Newspaper
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Abbreviation	German	English
	Zelle	NSDAP subdivision of an <i>Ortsgruppe</i>
	Zellenleiter	NSDAP leader of a Party cell
zbV	<i>zur besonderen Verwendung</i>	For special missions or duties
zV	<i>zur Verfuegung</i>	At disposal

TABLE OF COMMISSIONED RANKS IN THE GERMAN ARMY,
NAVY, AND SS WITH THEIR EQUIVALENTS IN THE
AMERICAN MILITARY FORCES

<i>Germany</i>			<i>United States</i>	
<i>Army</i>	<i>Navy</i>	<i>SS</i>	<i>Army</i>	<i>Navy</i>
Leutnant	Leutnant zur See	Untersturmfuhrer	2d Lieutenant	Ensign
Oberleutnant	Oberleutnant zur See	Obersturmfuhrer	1st Lieutenant	Lieutenant (j.g.)
Hauptmann	Kapitaneleutnant	Hauptsturm- fuhrer	Captain	Lieutenant
Major	Korvettenkapitane	Sturmabannfuhrer	Major	Lieut. Commander
Oberstleutnant	Fregattenkapitane	Obersturmbann- fuhrer	Lieut. Colonel	Commander
Oberst	Kapitane zur See	Standartenfuhrer	Colonel	Captain
Generalmajor	Konteradmiral	Oberfuhrer	Brig. General	Commodore
Generalleutnant	Vizeadmiral	Brigadefuhrer	Major General	Rear Admiral
General der Infan- terie, Artillerie, etc.	Admiral	Gruppenfuhrer	Lieut. General	Vice Admiral
Generaloberst	Generaladmiral	Oberstgruppen- fuhrer	General	Admiral
Generalfeldmar- schall	Grossadmiral	Reichsfuhrer	General of the Army	Admiral of the Fleet